



INSTITUTION OF ZAKAT IN ISLAM

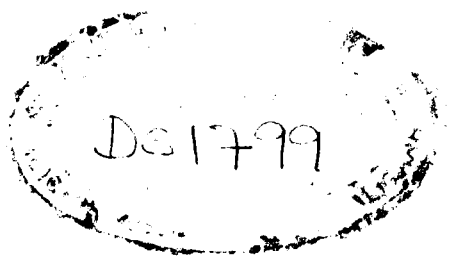
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IN
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BY
TAUQEER AHMAD

Under the supervision of
Dr. M. YASIN MAZHAR SIDDIQUI

DEPARTMENT OF ISLAMIC STUDIES
ALIGARH MUSLIM UNIVERSITY
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 D E D I C A T E D
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 M Y P A R E N T S



KM. URMAN

Phone 56

DEPARTMENT OF ISLAMIC STUDIES
ALIGARH MUSLIM UNIVERSITY
ALIGARH (Pin 202001)

Dated : June 1, 1989

CERTIFICATE

This is to certify that Mr. Tauqeer Ahmad's dissertation on 'Institution of Zakat in Islam' is an original work and has been prepared under my supervision. In my opinion it is fit for the award of M.Phil degree.


(Dr. M. Yasin Mazhar Siddiqi)
Supervisor

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ALIGARH


(TAUQEER AHMAD)

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TRANSLITERATION TABLE

Consonants

ك	,	ك	k
ل	b	ل	l
ت	t	م	m
ث	th	ن	n
ج	j	و	w
ح	h	ه	h(omitted at the end of the word)
خ	kh	ي	y
د	d	ال	al
ذ	dh		
ر	r		
ز	z		
س	s		
ش	sh		
ص	ṣ		
ض	ḍ		
ط	ṭ		
ظ	ẓ		
ع	ʿ		
غ	gh		
ف	f		
ق	q		

INTRODUCTION

All praises be to Allah, the Lord of the universe and His peace and blessings be upon the Holy Prophet Muhammad (S.A.W.).

The Zakat is one of the most important pillar of Islam, having philanthropic connotations that ultimately lead to bridge a gulf between the divergent sections of the Islamic Society. Religiously speaking, it has two aspects : a religious responsibility of the Muslim for their Creator (haqq Allah) and a duty towards fellow human beings (haqq al-ibad). That is why it has been called by the Muslim Ulama as a bodily as well as a financial worship (prayer). The Zakat payment not only purifies as the Quran says, the payer's wealth but also his Soul. Apart from reforming the individual life, it brings about a spectacular change in the whole society. The Zakat-system of Islam just like the nervous system of the human body. Excessive strain on human nervous system may cause the failure of the whole human body, similarly prevention in of natural flow of wealth a society or in other words negligence of the Zakat-payment or for that matter its irregular distribution shall necessarily disturb the basic economic pattern of the society. Regular Zakat-payment and its distribution help grow basic human values, such as brotherliness, love, sympathy, equity and unity. That is why, Islam organized the Zakat system from the

very beging, codified its laws and regulations and developed it into the form of a complete social institution.

The Zakat is one of the five pillars of Islam. It is only next to the salat (regular five-times daily prayers). The Tawhid (monotherism) is the gate through which an individual enters the domain of Islam. The first obligation imposed on him by Islam is the establishment of the Salat. It is a ritual or worship (ibadah) which is exclusively meant for Allah. It is a direct means of creating a link between the creator and this creatures. While the Zakat is essentially for the human society. It deals the relations between man and man. In a nutshell it can be said that the salat is for Allah and the Zakat for human society as well as for Allah.

Undoubtedly the Zakat too is a kind of worship of Allah and a spiritual act, but it also constitutes of the basic features of an equitable economic fabric. All the Muslim Fugaha, ulama and the Muhaddithun without any exception have mentioned its different aspects in their lectures, on the Zakat and other works because they fully realised the discourses importance of the Zakat as the prerequisite of iman and Islam like the salat and the Saum and also for salvation in this world as well as in the life hereafter. Basic teachings of all the previous Prophets

always included among other things the Zakat-payment. The Holy Quran describes in the Surah Al-Anbiya, after mentioning the names of several previous Prophets like Musa, Haroon, Ibrahim, Lut, Ishaque, Ya'qub :

'And we made them chiefs who guide by our command and we inspired in them the doing of good deeds and the right establishment of salat and payment of zakat, and they were worshippers of us done!'

(Al-Anhiya : 73)

In Islam the Iman (faith) of an individual or a group of individuals is not complete if he or they do not establish prayers five times a day and refuse or neglect to pay the Zakat of their wealth. After the death of the Prophet (S.A.W.) Abu Bakr (Raz.) was entrusted the leadership of the Islamic Ummah. Several tribal groups of Arabia refused to pay the Zakat. The caliph Abu bakr announced to wage war against them. Umar (Raz) tried to persuade him not do so on the group of a tradition of the Prophet (S.A.W.) that 'he was commanded by Allah to wage war only against the unbelievers till they uttered that there is no god but Allah and Muhammad is the Prophet of Allah' and who uttered it, his life and wealth were spared and saved'. But Abu Bakr

had his own argument and said ''By God I would fight against those who establish the salat but refuse to pay the Zakat, By God I would wage war against them even if they refuse to pay a string of rope they used to pay to the Prophet in Zakat'' . Abu Bakr was right in his stand.

Because of this great importance of this pillar of Islam I have undertaken this study for my M.Phil degree I have divided the subject into five chapters. The first chapter deals with the importance, aims and objectives of the Zakat in the light of the Quran and the Hadith. The second discusses in detail the evolution of the Zakat system during the Prophet's Period with a reference to the conditions of the Zakat being obligatory and its distribution. The IIIrd chapter has been devoted to the Zakat-system in the Orthodox caliphate. The main theme of the IVth chapter is the institution of the Zakat in the Islamic society. And the Vth and last chapter throws light on the impact of Zakat-payment and its distribution on individuals as well as the society.

Chapter - I

CONCEPT AND OBJECTIVES OF THE ZAKAT IN THE TEACHING OF THE QURAN AND THE SUNNAH

Before we initiate a discussion on the significance of the Zakat in Islam it will be good to know about the difference existing between the Islamic and non-Islamic concepts of charity and alms-giving. The Zakat is not only a religious duty but also a method of solving the economic problems of the Muslim Society. The steps taken by the previous religions in overcoming the economic difficulties of the weaker sections and their solutions were in fact based on the concept of charity and alms, whereas Islam brought about a radical change in the Social fabric by introducing this revolutionary measure. The noteworthy feature in this regard is that all religions of the world, even those which do not owe their birth to Angelic agency have never ignored the significance of this collective aspect of humanity without which human fraternaty and brotherhood can^{not} be obtained. Virtuous behaviour towards the poor and the weak has always been emphasised in all religions, whether divine or human. In most social fabrics of the world the underlying idea has been charity which enimates from the good nature and is based on voluntary alms-giving. Although Islam too in the initial stages prescribed the Zakat an interchangeable substitute for the Zakat, as a voluntary

alms but gave so much emphasis on this quality and exhorted the believers to part^{with a part} of their wealth and even earnings so much that it became an essential feature of Islam & 'īman (belief).¹

The Qur'ān from the very begining of revelation has emphasised this duty without referring to the words of the Zakat and Sadaqat. Generally it uses words like it'ām and infāq etc.² The Zakat and the Sadaqah soon take the place of these words broadining the concept of alms-giving. The payment of the Zakat and the giving of the voluntary Sadaqah is so important in the Quranic scheme of duties that it has been bracketed with the most important duty of Muslims i.e. the Salat (prayer). According to one estimate both the duties have been mentioned together at 27 places.³

The Quran suggests that the Zakat or the Sadaqah was prescribed in one way or other earlier notions also for instance. The Quran says :

"And we made them leaders, guiding (men) by our command, and we sent them inspiration to do good deeds, to establish regular prayers, and to practise regular charity; and they constantly served us (and us only)."⁴

1. The Quran, surah, Ibrahim, verse 31 cf surah, al-Hadid V. 10. Surah-al-Kahf V. 42, surah, Muzzammil-V. 31, surah, Rum, verse 39, Surah, Anbiyah V. 73.

2. The Quran, Surah al-Māwān V. 3.

3. Yusuf Qarzavi, Fiqh-uz-Zakat, Adarā-e-Dawatul-Quran P.11. tr. Shams peerzada.

4. The Quran, surah, al-Anbiyah, V. 73.

It is crystal clear from the above mentioned verse that before, the Prophet Muhammad (B.P.U.H.) Allah had directed all the Prophets, and all the Prophets in their turn propagated among. Their followers, to pay the Zakat besides offering Salah (prayer). Regarding Hazrat Ismail Allah says : "He used to direct his family members offer Salah and to pay the Zakat. And he was near and dear to his God!"¹ The above mentioned is directed by in another verse :

"Hey! Prophet Ismail I am with you, if you punctually offer the Salah and the Zakat and exhibit your's faith on My Prophet and help the Prophet who comes infuture and return to me the unconditional debt and I will deslance all the sense oway from you".²

About the position of the Zakat during the life time of Hazzat Musa The Quran reproduces the prayer of Musa to Allah "O God! Give me the Nobleness of this world and that of the other world too. And ordain for us that which is good, in this life and in the Hereafter : For we have turned unto thee". He said "with my punishment I visit whom I will; but my Mercy extendeth to all things. That Mercy I shall ordain for those who do right, and practise regular charity, and those who believe in Our sings".³

1. The Quran surah, al-Maryam, V. 54-55.

2. The Quran, surah, Baqrah, V. I.

3. The Quran, surah, al Araf, V. 156.

Similar to the advise administered to all the previous Prophets during this lifetime. Allah advised the last Prophet of Islam Muhammad (B.P.U.H.) in a similar way about both the most significant duties of the believers of Islam. Both the right of Allah (i.e. Salah), and the right of people (i.e. Zakat) are included in His Commands.

The Zakat is derived from the root ZAKA which means 'gains from development and expansion'. Therefore, properties of humbleness, Sacredness, and auspiciousness are included in the meaning of the Zakat the technical meaning of the Zakat in the Quran and the Hadith expresses similar properties and meaning.

The word, 'al-Zakat' has been referred to thirty times in the holy Quran; and in twenty seven verses it has been bracketed with the Salah (prayer) out of which it has a total reference for these thirty instances, eight times the Zakat has been referred to in the Makkan surahs and the rest in the Madinan.

Similarly, the word 'Sadaqah' has been mentioned in the holy Quran and the sunnah as a legal duty of Muslims in several verses and sayings of the Prophet. Denomination of these two words is different but the essence is one. The word sadaqah has been referred to at twelve places in the

Quran. It is noteworthy that all these instances fall within the premises of Madani verses. The payment of the Sadaqah is a proof of the sincerity of faith and truthfulness of belief of a Muslim. Not only in this world but also on the day of retribution. On this basis the Holy Prophet said, ''The Sadaqah is reason'' .¹ Besides, the divine exhortation 'spend in the name of Allah, . finds reference at many places in the holy Quran. Allah says : ''spend in the name of Allah and do not put your ownself on the suicidal path with your own hands''.²

The significance of the Zakat in Islam can be gauged by the fact that when Islam began to flourish of Makkah, in that very initial period divine directive for giving the Zakat was clearly prescribed for the early converts who were not so wealthy and the people in general were leading a life of object poverty and oppression. They neither had the power of govern nor political strength to organise any institution. But even at this crucial juncture, the Quran at several places stresses upon its belivers to feed the hungry and at some other places order them to spend for the welfare of the poor and the needy. In fact the Muslim Society of Makkah needed a social and religious cohesion and economic parity, and this noble objective of cementing

1. Sahih Muslim, Kitab al-Zakat. Vol. II, P. 474.

2. The Quran, Surah al-Baqara V. 267.

the well-to-do and the poor sections of the early convert could not be achieved unless the wealthy looked after the needy. This not only bridge the economic gulf between the haves and the have-nots of the Islamic 'ummah but also created a sense of belongingness and brotherhood which is a corner stone of Islamic edifice. Examples of such instruction can easily be found and quoted in Makkan verses. Allah says, ''those who offer prayer and give Zakat and believe in the day of judgement, the same believers are on the path shown by their Allah and they are the ones who get solace''. Similarly, the payment of the Zakat has also been clearly mentioned in many verses of the Makkan surahs. In one verse the defaulters of the payment of the Zakat are presented in bad colours.¹ In the same verse, punishment in Hell has been threatened to those who failed to offer the prayer and pay the Zakat regularly.

The Quran in its Makkan revelations not only points to the rights of the poor and their treatment with sympathy and egalitarianism, but also states clearly that it is the responsibility of every Mumin (true believer) to feed the hungry' also exhorting others to restore the rights to the needy; and if he fails to execute this duty properly, he will not only displease Allah but will also have to bear His

1. The Quran, surah al-Baqra V. 254, 267. Cf, surah al-Taubah, V. 53, Yas V. 47 al-Hadid, V. 77, Surah al-Munafaqun V. 10, al-Talaq, V. 6.

punishment. Hence, it has been explained in the surah al-Haqqah that the practitioners of the materialistic pursuits would be thrown to the Hell because they had no faith in Allah and neither themselves fed the hungry and the needy nor asked others to look after the downtrodden,¹ took no interest in their shelter and other needs. At the very commencement of the Makkan era the Quran made its injunctions in this regard absolutely clear impressing upon the Muslim that in his wealth there is a prescribed share of his relatives the indigent and the needy and the payment of which is an indispensable necessity.

The Makkan surahs not only prescribe the payment of the Zakat and the Sadaqah out of cash wealth but also enjoined upon the Muslim cultivators and farmers to part with a share of the produce of their lands whether in the form of fruits, dates or grain. The Surah al-Inam has a very significant verse which says : Though this verse Allah has instructed that whatever crops and fruits are obtained from the earth there is a share of the indigent and the poor in it and whose payment is a must of the very day of harvesting.

Generally it is believed that the Zakat became a religious duty of the believers in Madina, but such belief is

1. The Quran Surah-al-Haqqah, V. 32-34.

preposturous because the Zakat was declared a duty in Makkah itself.¹ Though this fact can hardly be denied that the terms for the fixation of the rate of payment was ultimately devised in Madina. The reason for this measure was that the Muslims had obtained much or sufficient wealth which demanded the fixation of proportionate rates of the Zakat. Whereas in Makka the rates could not be fixed simply because the Muslim Community was disorganised and insufficiently structured apart from having small amounts of wealth. Therefore, in Makka only exhortations for spending on the needy were enough for they achieved the goal of the Zakat and the Sadaqah. That is why we see that the early Muslims of Makkah are ordered to pay for the rights of relatives, the needy and the travellers. At the same time the bad effects of interest and usury (riba) have also been vividly shown because the latter created miserliness and unholy love for accumulating wealth. The Quran always makes a comparison between the quality of infaq (spending) i.e. generosity and and the riggardliness (bukhl), praising the formers and condemning the latter. Not only this, Allah promises that those who give the Zakat shall receive the fruits of Betherinen while the non-believers who neither believe in nor pay the Zakat have been warned that they should wait for the day of

1. Sayyid Sulayman Nadwi, Sirat un-Nabi, Azamgarh, 1971, V. 5, P.154

judgement for their doom. To quote Maulana Shibli, the Zakat means to purify the self as it gets it rid of evil deeds although Ibn-Jarir does not agree with this interpretation. According to him the word Zakat has been used here for and is synonymous with the Zakat (purification) of wealth.¹ This proposition is ratified by the fact that the world payment (ātū) has also been used along with the Zakat which means to pay and its relation with the Zakat is quite clear.²

The Zakat has not been mentioned in Makkan verses in an organised way as a fixed duty; instead it has only been referred to as an advise and exhortation. Thus in this way the Zakat is nothing but a synonym the voluntary Sadaqah or infaq for the Muslims. The payment of which is liked by Allah and would be suitably rewarded on the day of judgement. In this way the payment of the Zakat becomes an essential quality of the believers and non-payment is the inseparable feature of non-believers; and this clearly marks the difference between the two. Needless to say that it is the quality which should be followed by the believers and they should keep away from the characteristics of non-believers :

The Zakat in the Medinan Period :

In Makka Muslims were not living as a community but as scattered and disjointed individuals. However, the

1. Sayyid Sulaiman Nadwi, Siratus-Nabi, Azamgarh, 1973. Vol. V. p. 179.
2. The Quran, Surah al-Baqara, V. 240.

enthusiastic task of propagating Islam kept them busy all the time creating in them a sense of belongingness and brotherhood. But in Madina they formed a congregation that had its own identity. They also had several sources of income as well as power. That is why the building of Islamic State and Society were given a new shape which was in consonance with new circumstances and situations, meaning thereby that the new congregation spread the message of Islam with fresh vigour and enthusiasm. The Islamic Society of Madina developed among other things a new legal and financial system. The laws of shariat became the source of fixation of various taxes, responsibilities and religious decrees of which the Zakat is an indispensable necessity. It was prescribed as a religious and divine decree but in essence it aimed at bringing the accumulating wealth into a wide circulation, releasing the payers from caprice and rigidity and providing sustenance to the weaker sections of the Islamic ummah.

It was the first legal step proposed by Islam in connection with the fixation of the share of the poor. In the Sahih al-Bukhari there is a Hadith reported by Abdullah Bin Umar. According to which the Muslims were asked to spend in the path of Allah whatever remained after their basic requirements were met. They were also exhorted not to accumulate too much wealth on account of future apprehensions

of pverty and starvation for it is not the wealth that sustain human beings but Allah is the real nourisher. This instruction of the Prophet came into effect long before the particular rules and the fixed minimum (nisab) of the zakat were established.¹

Since the situation demand from the Muslims to come forward with whatever they had at their disposal to help their needy brethem, Islam motivated them with a religious appeal. But when the Muslim armies guined victory after victory over various territories, and consequently the Muslims became prosperous and well-to-do, Allah revealed this instruction.

'O ye who believe spend from whatever you
earn hoestly and from what we give you
from inside the earth'.²

In Madinah the Quranic revelations made it clear to the Muslim that the payment of the zakat was obligatory for those who were wealthy, In order to enshrine the will of Allah in the hearts of the Muslims and cause them surrender willingly the salât and the zakat were revealed before it the divine instructions for so many times in the Madâni period. Different Madani Surahs of the Quran in which these explicit

1. Bukhari, Kitab-al-Zakat Vol. II, P. 302.

2. The Quran, Surah, al-Baqrah, V. 267.

order occur such as Al-Baqrah, Al-Taubah, Al-Mujadilah, Al-Nur give ample evidence to this effect.¹

That the Zakat is obligatory on the capable Muslims has been made clear by adopting various styles (asalib) and the repetition of the same order. In the surah Al-Taubah the instructions about the zakah are most important on the one hand, and belong to the last series of revelation on the other. In the beginning of this Surah it has been clarified in regard to the Mushrikin (polytheists) who wet on the agreement in these words :

Clear their way provided they repent, establish the salat and pay the zakat.' (Al-Taubah).²

In this verse three conditions have been prescribed for the ceasefire: (i) repentance from Shirk, (ii) establishment of the salat and (iii) the payment of zakat.

In the same way at another place in surah Al-Taubah it has been made clear about some other group of Mushrikun

1. The Quran, surah al-Baqrah, V. 43,

And be steadfast in prayer,; Practice regular charity, and bow down your heads with those who bow down (in worship) CF V. 11, 110, 277. Al-Taubah, V. 11, al-Mujadilah, V.13, al-Nur, V. 56.

2. But when the forbidden months. Are past, then fight and slay. The Pagans wherever ye find them, And seize them, beleaguer them, And lie in wait for them. In every strata gem (of war) But if they repent, And establish regular prayers And Practice regular charity, Then open the way for them: For God is Oft-forgiving, Most Merciful. (The Quran al-Taubah, V.5.)

'In case they repent, establish the salat and pay the zakat, they are your brothern in Din.¹

Undoubtedly, fraternal relation can not take place between believers and non-believers until and unless non-believers fulfil the three conditions mentioned above in the verse. The Holy Quran mentioned both the zakat and the salat simultaneously at many places. Ulama⁻ from the very period of the sahabah have been emphasizing the utmost importance of the zakat alongwith the salat.

Famous companion of the Prophet Abdualh Bin Masud is reported to have uttered :

'You have been asked to establish the salat and pay the zakat, If anyone of you, therefore does not pay the zakat, his salat is of no use.'²

In the same Surah Allah says at another place :

'He only shall tend Allah's sanctuaries who believes in Allah and the last Day and observes proper worship and pays the poor-due and fears none but Allah. For such (only) is it possible that they can be rightly guided.'³

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1. The Quran, Surah, al-Taubah, V.11.
 2. Tabari, Tafsir , V. XIV, P. 153
 3. The Quran , sural al-Taubah, V. 18.

This verse makes it clear that tending the mosques is not a noble job unless it is associated with basic qualities : having faith in Allah and the Day of Judgement, establishing the salat and paying the zakat.

Allah employed even negative styled to motivate the Muslims to pay the zakat. At many places in the Quran He clarified that the hoarders of gold and silver will be punished on the Day of resurrection. For example He says in one verse :

'.....They who hoard up gold and silver and spend it not in the way of Allah, unto them give tidings of a painful doom on the Day when it will be heated in the fire of hell, and their foreheads and their flanks and their backs will be branded there with (and it will be said unto them): Here is that which ye hoarded for yourselves. Now taste of what you used to hoard.¹

Therefore Surah Al-Taubah is very important in this connection. It describes several things regarding the Zakat. At one place it mentions the deserving categories

1. The Quran, Surah al-Taubah, Vs. 34-35.

of the recipients of the zakat.

'And of them is he who defames you in the matter of alms. If they are given thereof they are content, and if they are not give thereof, behold, they are enraged. Had they been content with that which Allah and his messenger had given them and had said: Allah is sufficient for us. Allah will give us of His bounty and His messenger, unto Allah we are suppliants. The Alms are only for the poor and the needy and those who collect them, and those whose hearts are to be reconciled and to free the captives and the debtors, and for the cause of Allah and for the wayfavers, a duty imposed by Allah. Allah is knower, wise.¹ These verses shut the doors for the greedy persons and leave the distribution of the zakat not on the mercy of the rulers or individuals but fix eight categories of the deserving recipients of the zakat.

These verses also clarify that the zakat will be collected and spent by the zakat officials. It means that the zakat institution will be looked after not by the individuals but by the government and its agencies.

1. The Quran, surah al-Taubah Vs.58-60.

In the Surah al-Tahbah at another place Allah addresses the Prophet Muhammad :

'Take alms of their wealth wherewith you may purify them and may cause them grow, and pray for them.¹

This verse makes it clear that it is compulsory to take alms of the riches of all the Muslims because all of them are equal from the Islamic point of view. It also clarifies that the collection of the Zakat is a duty of the Imam or his deputies appointed for the purpose. Traditions of the Prophet (S.A.W.) establish this idea, and it was translated into practice by the four pious caliphs and their Umayyad and Abbasid successors.

According to the Quran a man neither can achieve any good nor included in the category of those who fear Allah, unless he pays the zakat. Not only that, but without the payment of the zakat no one can be separated from the society of Mushrikum whose basic quality as the Quran says, is their disbelief in the Day of Judgement and the non payment of the zakat, Nor he can be distinguished from the

1. The Quran, Surah al-Taubah, V. 103.

Munafiqun who close their hands and if they spend, they do it unwillingly as if they are being forced to do so. Moreover, those not paying the zakat do not deserve the mercy of Allah. It is quite evident from the Surah Al-Araf.¹ Without the payment of the zakat Muslims can in no way deserve nearness to Allah, His messenger and the believers² Allah has declared that only those deserve His help who pay the zakat willingly.³

The Zakat in Sunnah of the Prophet :

The Holy Quran is the basic source of Islamic law and Shariah. It contains only basic principles and precepts. Discussion in detail and elaboration has been made only at those places where the difference of opinions and deviation from the right path was suspected. Next to the Quran there comes the Sunnah of the Holy Prophet (S.A.W.). It is a detailed and practical explanation of the Quranic principles. It makes explicit the brief and at times allusory injunctions of the Quran and gives detailed description of the brief and short ordinances of Allah. It is the sunnah which limits the general injunction of the Quran and gives practical meaning to its general rules. The Sunnah has further

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1. The Quran, Surah al-Araf, 156.
 2. The Quran, al-Maidah, V. 55.
 3. The Quran, al-Hajj, vs. 40-41.

made the zakat ordinance given by the Quran, much more effective and elaborate. We have been that it was the Makhan period when the several verses regarding the zakat were revealed. It is reported that Jafar bin Abi Talib while addressing the king Negus stated among other things: 'The Prophet asks us to establish prayers, pay the zakat and observe fast.¹

While deputing Muaz Bin Jabal to Yaman the Prophet gave him instruction to call the people of the book(ahl-i-al-Kitab) to Islamic beliefs and basic rituals such as five times prayers daily and the zakat which will be taken from their rich persons and distributed among their poors.²

This tradition indicates to the fact that the officials were deputed to collect the zakat and it was not left to the individuals to collect and spend it.

Jabir bin Abdullah is reported to have narrated that 'he pledged on the hands of the Prophet (S.A.W.) to establish the prayers, pay the zakat and wish well for every Muslim.³

1. Sahib Muslim, Kitab al-Zakat. Vol. II, P. 478.

2. Sahih al-Bukhari and Sahih Muslim, Kitab al-Zakat ,Vol.I: P. 274.

3. Sahih al-Bukhari, Kitab al-Zakat , Vol. II, P. 277.

Abdullah bin Umar reports that the Prophet (S.A.W.) said :

'I have been ordained to wage war against the the people till they bear witness to the fact that there is no god but Allah, and Muhammad is the Prophet of Allah, and establish prayers and pay Zakat.¹

This Hadith brings home the importance of the Zakat on one hand, and the punishment in this and other world for non payment of the zakat on the other. The Prophet (S.A.W.) has warned the defaulters of dire consequences in his several ahadith. He has also described in detail the punishment for this crime on the day of judgement. The aim of these statements and warnings was to provoke and motivate the Muslims to pay the zakat willing and regularly. If these warnings do not change the negative attitude of Muslims towards the Zakat it was made clear that the law and the government machinery will have to resort to disciplinary action forcing them to pay the zakat. For the defaulters of the payment of the zakat severe punishment is prescribed on the Day of judgement as Abu Hurairah narrates that the Prophet (S.A.W.) said :

1. Sahih al-Bukhari, Kitab al-Zakat, Vol. II, P. 274.

'Those who were given wealth and riches but did not pay zakat his riches and wealth will come up before him in the form of a bold snake. Above its eyes there will be two black dots. That snake will hang round his neck and holding his jaws will utter. 'I am your wealth, I am your riches.' Abu Hurairah adds that the Prophet (S.A.W.) recited this verse of the Holy Quran at the end of his warning'.¹

'And let not those who hoard up that which Allah has bestowed upon them of his bounty think that it is better for them. May, it is worse for them. That which they hoard will be their collar on the day of Resurrection'.²

'Adi Bin Hatim narrated that the Prophet (S.A.W.) said :

'Save yourself from the fire of hell, be it through the alms-giving of small piece of date'.³

There is a long Hadith narrated on the authority of Abu Hurairah that the Prophet said :

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1. Sahih al-Bukhari, Kitab al-Zakat. Vo. II, P. 271.
 2. The Quran, Surah al-Imran, V. 180.
 3. Sahih al-Bukhari, Kitab al-Zakat. Vol. II, P. 272.

'Behold that the camels will come to their masters with more flesh and fats on their bodies. If zakat was not paid from the camels in this world they will tread their masters with their feet. The goats will come to their masters with more health on the Day of judgement, but if the share of Allah was not paid from them, they will tread their masters with their hoofs and attack with their horns. None of you should come on the Day of judgement in the condition that the goats are collar around his neck and shout against him and call: 'O Muhammad! Come to my rescue' And I say that I can do nothing now for you and I had already warned you of this doom. And lest the camels should ride on his neck and he should cry for help: O Muhammad! come to my rescue and I say that I can do nothing for you now. I had already enjoined you to follow the commands of Allah.'¹

In another long Hadith the Prophet (S.A.W. said about the hoarder of gold and silver :

'He who possesses gold and silver but does not spend them in the path of Allah, those riches

1. Sahih, Muslim, Kitab al-Zakat. Vol. II, P. 309.

will be baked in the fire of hell and shaped as bricks, his forehead, flanks and backs will be branded with those bricks on the day the length of which will be equal to 50,000 years. This branding will continue till the phase of judgement will be over and the men will enter either the hell or paradise. Likewise he who possesses the herd of cows, goats and sheep and does not pay zakat, will come on the Day of Ressurrection in the condition that his herds will tread him with their hoofs and wound him with their horns. This punishment will continue till Allah complete his judgements for his slaves.¹.

These Ahadith present a very clear description of those whose do not spend in the path of Allah and abstain from helping those in need.

The Prophet warned the Muslims not only of the punishment for non-payment of the zakat on the day of judgement but also clarified that non-payment is liable for punishment in this world too. Once the Prophet (S.A.W.) is reported to have stated :

1. Sahih Muslim, Kitab al-Zakat. Vol. II, P. 310.

'Allah inflicts drought and famine on those nations who do not pay zakat.¹

In another Hadith the Prophet said :

'The society that does not pay the zakat from its wealth is deprived of rain-water. It will rain only now and then but not for the human beings but for the animals.'²

The Prophet also said :

'He who pays zakat with the intention of getting reward from Allah, will be rewarded, but he who does not pay zakat, we shall not only realize zakat from him, but also confiscate his half property in favour of the Islamic state. This is the right of Allah, but of it nothing is lawful for the descendents of Muhammad.'³

Some very important principles may be derived from the above-quoted Hadith in respect of the Zakat :

- I) The Zakat-payment should be made with the intention of seeking reward from Allah.

1. Tabari Tafsir V.XIV.p. 155.

2. Sahih Muslim, Kitab al-Zakat. Vol. II, P. 488.

3. Sahih al-Bukhari, Kitab al-Zakat. Vol. II, P. 285.

II) He who does not pay the zakat out of his love for the riches, will be forced to pay by the government and his half property will be confiscated as a punitive measure. This punishment is due on him for concealing the right of Allah in his riches. This is a kind of deterrent to others.

There is a difference of opinion among the Ulama over the confiscation of half property as the punishment for non-payment of the zakat. One opinion is that this punishment is cancelled now, though it was prevalent in the early days of Islam. This opinion carries no proof. To my mind writes a modern thinker and writer 'this punishment is entirely an exclusive prerogative of the Islamic ruler. He can execute it where he thinks that the people are defying the commands of Allah in respect of the payment of the zakat, as there is no way out but to resort to this measure to correct them.¹

III. There is no share of the Prophet and his descendents in the zakat fund for it is exclusively meant for the eight categories mentioned earlier, especially the poor and needy.

Islam not only proposed fiscal punishment for the defaulters of the zakat but also announced war against

1. Yusuf al-Qarzavi, Fiqh al-Zakat. Adara-e-Dawat al-Quran pp. 35-37.

them. The Islamic Shariah orders to wage war against those who roll in wealth but do not pay the zakat.

Prayers five times a day creates a link between the creator and the creature. Its establishment calls for the formation of a collective system of life. The Zakat occupies the place in Islam next only to the salat. It is actually a method of creating mutual sympathy, assistance and help in the human society. The zakat-payment extracts the greed for wealth from the human heart. Allah loves those who spend in His path.

The zakat is a very important source to meet the financial requirements of Islamic state and society. Its institution ensures that the wealth is not confined to only a few rich hands but is circulated in the whole society, so that a wide cleavage does not exist between the haves and the have-nots, rather it is minimised, if not bridged altogether. In the absence of a regular circulation of the zakat fund a society will necessarily be divided in two major sections: One which will possess every means of luxurious life at its disposal, and the other will hardly be able to manage even its daily bread and butter. Hence the importance and social relevance of the zakat institution.

Chapter - II

EVOLUTION OF THE ZAKAT SYSTEM DURING THE PROPHET'S PERIOD

After the conquest of Makkah the whole Arabian peninsula was subjugated by the Islamic rule.¹ It was this period which was most suitable for establishing an Islamic special system. Hence the revelation of the following verse :

'Take alms of their wealth wherewith you
may purify them and may cause them grow.'²

In the year of 9 A.H. 630-31 A.D. all the details and laws of the Zakat were codified i.e. kinds of wealth and property on which the zakat was to be levied, its minimum amount (nisab) quantity of the zakat payment and its timings were clearly elaborated in the Shariah.

It is quite evident from the Quran that the detailed terms and conditions for the zakat were left to the Prophet to explain. It was the duty of the Prophet (S.A.W.) to elaborate and codify what was revealed through his words (qawl) and practices (fi'l amal/sunah). It is true that some kinds of wealth have been mentioned in the Quran in

1. Syed Sulaiman Nadvi, Siral al-Nabi V. 5.

2. The Quran, surah al-Taubah, V. 103.

regard to the zakat-payment such as gold and silver :

'They who hoard up gold and silver and spend it not in the way of Allah, unto them give tidings of a painful dooms.'¹

But many types of wealth were left to the Prophet. In the subsequent discussion a brief analysis of the Prophetic injunctions and orders is systematically presented.

I. Agricultural Produce

'He it is who produces gardens trellised and untrellised and the date-palm, and crops of diverse flavour and the olive and the pomegranate, like and unlike. Eat,, you of the fruits thereof when it fruits and pay the due thereof upon the harvest day and be not be prodigal.'²

II. Wealth earned through trade and business :

'O you who believe! spend of the good things which you have earned.'³

III. Wealth gained from the earth :

'And spend of that which we bring forth from the earth for you.'⁴

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1. The Quran, Surah al-Taubah V. 34.
 2. The Quran, Surah, al-Inam. V. 141
 3. The Quran, al-Baqrah, V. 267.
 4. Ibid.

The Quran has used a general term 'wealth' (amwal) on which the zakat is to be taken for example :

'Take alms of their wealth (amwal) wherewith you may purify them.'¹

'And in their wealth (amwalihim) the begger and the destitutes had due share.'²

Literal meaning of wealth :

According to Arab traditions and customs the word 'wealth' is applied to all those things which attract man to have control over them Camels, cows, sheep, goats, landed property, date-trees, gold and silver etc all are included in the generic word wealth.³

In the beginning the of human civilization man was unaware of money value. The people used to exchange their commodities to meet their needs. This barter system had so many demerits, for the people experienced a number of difficulties in this system.⁴ Allah, therefore, guided

1. The Quran, al-Taubah, V.103.

2. The Quran, al-Dhariyal V. 19

3. Yusuf al-Qarzawi, Fiqh al-zakat. P.

4. Lester V. Chandler, An Introduction to Monetary Theory, Halcyon Press-1975. Cf. David E.W. Laidler, The Demand for Money : Theories and evidences, Allied Publishers Private Limited 1983.

the humanity to the easy system of using gold and silver as the cash money for trade and commerce purposes.¹

The Prophet saw that the Arabs used gold and silver in the forms of Dinar and Dirham respectively as cash money. He maintained the system and made the zakat obligatory on these two denominations of cash money. Gold and silver, therefore, are real cash money in the eyes of the Shariah. Several rulings of the Shariah are entirely based on these two metals. Some rulings are related with the social and family affairs, such as dower-money etc. while some others belong to the Hudud (prescribed punishments) such as certain minimum of wealth for the chopping off the hand of a thief, and some others come under the finance category such as the Zakat. The zakat on cash is clearly from established the Holy Quran in the surah al-Taubah. In this surah Allah has described His due share in the wealth of believers. His due share is actually meant for the poor and the needy and other sections of the Islamic ummah.

The same surah contains at one place certain warnings regarding these two precious metals, especially the hoarding

1. For the historical development of the cash money see, Don Patinkin, Money interest and Prices, Harpar and Row, publishers, New York - 1965, (Second Edition) .

of gold and silver and the refraining from spending them in the way of Allah :

'And he who does not pay the zakat, does not spend in the way of Allah.¹

Likewise the Sunnah of the Prophet has crystalised everything in this respect. Abu Hurairah reports that the Prophet said :

'He who possesses gold and silver and does not pay its due share will be branded on his forehead, flanks and back with the bricks of his gold and silver baked in the fire of hell. On turning cold the bricks will again be baked in the fire and brand him. This act will continue till the judgement proceedings will be over and the people will enter either the hell or paradise.'²

This warning is for those who hoard cash and do not pay its due share i.e. the zakat.

The real purpose of the fixation of the zakat on the cash money is the circulation of wealth, so that all sections

1. The Quran Surah-al-Taubah, V. 34-35.

2. Sahih Muslim, Kitab al-Zakat.

of a given society may benefit from the wealth created by Allah. If it is accumulated and hoarded there will be shortage of commodities in the market, unemployment, stagnation in the economic activities in addition to the concentration of money in a few hands. Therefore levy of the zakat on wealth every year is the most effective way to check the hoarding of wealth and its constant circulation on a wider scale.

Minimum Amount (Nisab) :

The Prophet (S.A.W.) said :

'Zakat is not to be paid from the silver less than five Uqiyah.'¹

An Uqiyah is equivalent to 40 Dirhams² Uqiyahs, therefore, equal 200 Dirhams. It is an established fact that during the lifetime of the Prophet silver was the standard cash money. That is why we find the order of the Zakat on silver in those famous Ahadith in which the quantity and minimum amount of the zakat have been described. That the Nisab of silver is 200 Dirhams has been agreed upon by all the ulama, not a single scholar has differed

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1. Sahih Muslim, Kitab al-Zakat.
CF Abu Ubaid, Kitab al-Amwal V.II p.201. Adara-e-Tahqiq-e-Islami.
 2. Sahih Muslim, Kitab al-Zakat.
CF Kitab al-Amwal V.II. p.288. (For Islamic monetary system See Magrizi, Shudhur al-Uqūd fi Dhikr al-Nuqud, Alexandria 1933.

over it.¹

As for gold coinage (Dinar) its minimum amount is not so clear, because there are no such clear-cut Ahadith in this regard as we find in the case of silver. That is why there is no consensus of opinion among the Ulama over the Nisab of Dinar. According to the majority of the jurists and the ulama the Nisab of gold is 20 Dinars. Hasan Basari was reported to have opined that the Nisab of gold was 40 dinars. The statement regarding 20 Dinars is also ascribed to Hasan Basari.²

The Nisab of gold is itself viable but Allama Taus has differed with it. According to him the Nisab of gold will be fixed on the basis of that of silver. The quantity of gold equivalent to the value of 20 Dirhams of silver will be the Nisab of gold, and the zakat will be levied according to this value. The same view is reported to have been expressed by 'Ata, Zuhri, Sulaiman, Ibn Harb, Ayub and Sukhtiyani also.³

Imam Malik in his Al-Muatta says :

There is no controversy among us over the matter that the zakat is obligatory. On 20 Dinars of

1. Abu Yusuf, Kitab al-Khiraj, p. Islamic publication Lahore.
2. Kitab al-Amwal, V. II, p.
3. Ibn Qudamah, al-Mughni, V. III. p. 4.

gold and 200 Dirhams of silver is the minimum amount of Zakat on silver. 'Imam Shafii says : 'I do not know anyone to disagree with the ruling that the Zakat is not to be levied on gold unless it is in the quantity of 20 Mithqal.¹

What about the currency notes of modern world ? These notes carry the same value as gold and silver coins, though the notes promise to pay the value of exchange to its bearer. They are used as the means of exchange with the commodities and service. They are of three kinds :

1. Cheque 2. Bank note 3. Essential paper currency.

Cheque is considered to be the substitute of gold or silver and it can be cashed in a particular bank. The bank may pay on demand the value of cheque in the form of gold or silver coins.

Bank notes are issued by the order of the government. On the notes a promise is printed on behalf of the signatory that he will pay the bearer the promised sum on demand. For the number of the notes issued the banks reserve the capital in the form of gold. Behind the currency notes there exists the power of law on the basis of which the people use them with full satisfaction, and without any fear.

1. al-Muatta, Kitab al-Zakat. Cf. Kitab al-Amwal Vol. II, P. 158.

Essentially currency notes which are not exchangeable with gold or silver are of two kinds, one that is issued on special occasions by the government for which no gold or silver is reserved; and the other issued by the banks having no exchangeable value.

These paper currency notes have occupied the place of original gold or silver coins today in every country. All the transactions are made on the basis of these notes. The price of commodities are paid through the medium of the same paper notes, in fact they are accepted everywhere without any hesitation. Wages of labours are also paid through these currency notes. He who steals these notes is without any controversy convicted and punished. Similarly the one who possesses these notes in large quantity is considered wealthy and rich. In the light of all these facts the currency notes are equivalent to the Islamic legal cash coins, hence the poor and the needy and other destitutes may be helped with these notes.

Conditions : As we have seen earlier, Islamic shariah has not imposed the Zakat without restrictions; it has in fact, set some conditions for the Zakat, as it has prescribed for other duties of Islam. These conditions (shurūt) could be classified into two categories, some of them are from the point of view of the payer's person,

while others are peculiar to a particular duty such as the Salah, the Zakat the fast and Haji etc. The following discussion will bring home this point very clearly.

I. Islam :

Needless to say that the first condition for all the duties and responsibilities of Islam being compulsory on an individual man or woman is belief in Islam and acceptance of the Religion of Allah. It is too obvious to be emphasised any more.¹

II. Maturity (Bulugh) :

The second most important condition for the obligation of the Zakat, or for that matter for all other obligations of Islam, is the attainment of the age of maturity or adulthood; no Islamic responsibility or duty is obligatory on children or persons of below age. The underlying idea behind this and other conditions is that the person/payer must be in possession of his senses. That is only, all the boys/girls are religiously and legally not only exempted from the payment of the Zakat, but also from the observance of all other religious duties, they may be asked to perform some duties such as the Salah during the minor age, as a necessary training, but it is not obligatory on them.²

1. Kitab al-Amwal, Vol. II, PP. 29 - 35.

2. Kitab al-Amwal, Vol. II, P. 210.

III. In Possession of Senses :

Another condition laid down by the Shariah for making the religious/legal duties obligatory on a Muslim is the fact that he must be in possession of all his senses; that he should not be mad, partially or completely; he should not lose his consciousness for the whole year and must not be mentally retarded, incapable of understanding the Islamic precepts and religious commands.¹

IV. Minimum Amount (Nisāb):

The first condition is that the cash should be equal the Nisab of gold or silver. If any one has as much cash as 200 silver Dirhams, he is rich enough to be asked to pay the Zakat; there is no Zakat on less than required minimum.²

V. Completion of one year (Hawlān-i Hawl) :

There is a consensus over the issue that the Zakat will be levied on animal, cash, and the merchandise only once in a year; it can not be realised twice a year. Ibn Shaibah reports on the authority of Imām Zuhri that he said : 'There is not even a single report from the great personalities of the Ummah such as Abū Bakr, 'Umar and Uthmān that they ever realized the Zakat, twice a year. They used to send their officials to collect the Zakat after the completion of the year if the crop was good and the people did not famine. Collection of alms is the Sunnah of the Prophet (S.A.W.).³ It may be added here that all the traditions of

1. Abu Ubaid, Kitab al-Amwal, Vol. II, P. 210. tr. Surti Abdur Rahman Tahir.

2. Kitab al-Amwal V. II, P. 158

3. Kanzul 'Ummal Vol. IV, P. 394, Cf Kitab al-Amwal Vol. II, P. 159.

the Prophet as well as his practices also establish beyond any doubt that the Zakat was realised only after the completion of a calender year. It might be collected from the payers in view of their own convenience on half-yearly basis; but the realisation was for the whole year.¹

VI. Free from debt :

Complete ownership and actual possession of the wealth is one of the conditions for the Zakat being obligatory. Several verses of the Quran such as the Surah al-Nur and the Surah Al-Baqrah deal with the question while discussing the issue of loan in respect of the Zakat.: Who will be responsible to pay the Zakat on the sum of debt whether the person who lends or he who takes loan and gets benefited from it ? Will the Zakat be condoned or both of them will be asked to pay the Zakat on the sum of loan ?

The last question is of no importance. None is in favour of the Zakat being paid by both the parties. 'Ikrama and 'Atā' are of the view that the Zakat will be levied on neither of the two. They say that neither of the two are under the obligation to pay the Zakat; the owner who lends his money will not be asked to pay the Zakat till he gets his money back.²

Ibn Hazm quoted the statement of Aishah, the most

1. Kitab al-Amwal, Vol. II, P. 159.

2. Kitab al-Amwal, Vol. II, P. 270.

learned wife of the Prophet (S.A.W.) : 'There is no Zakat on debt'. It means that neither side will pay the Zakat. Ibn Hazm too favours this view. The same view is supported by the followers of Abū Daud Zāhiri. The argument put by them is this that the ownership of both the party is incomplete.¹

There is a Hadith quoted in Kitab al-Amwal that the Prophet said : 'Alms-giving is obligatory only when the individual is wealthy'.²

In the light of this Hadith Imām Bukhārī says that in case of the needy person who is also smarting under the burden of debt the most necessary thing is to pay off his debt than to demand the Zakat from him, Ibn Hajar explains that Imam Bukhari most probably wanted to say that one of the conditions for the Zakat being obligatory on our individual Muslim is this that neither he nor others under his dhimuah (obligation) are needy.³

Various Nisabs :

Since the value of each kind of wealth differs from each other, as already discussed above, the Islamic Shariah taking cognisance of this natural and inevitable

1. Kitab al-Amwal, Vol. II, P. 213.

2. Kitab al-Amwal, Vol. II, P. 159.

3. Ibn Hajar, Fathul-Bari, Vol. III, P. 189.

phenomenon prescribed different nisabs for various things, so that the payers in particular and the Society in general should not be put to any unnecessary hardship.

Cattles :

The Holy Quran says :

'And the cattle has He created,
whence you have warm clothing and
uses, and where of you eat, and
wherein is beauty for you, when
you bring them home and when you
take them out to pasture. And
they bear your loads for you unto
a land you could reach but with
great trouble to yourselves. Lo!
Your Lord is full of Pity and
Merciful.'¹

Allah has created these cattles for the service of man and they have been subjugated to him. The man uses the cattle in so many ways : he rides on their back; carried his luggage and other heavy material on them from one place to the other, eats its meat, drinks its milk, uses its wool and hair for several other benefits. This is the bounty of Allah showered on man. If he demands from him to express his gratitude towards him it is not a matter of surprise or burden. The best way to

1. The Quran, Surah al-Baqara V. 221.

express gratitude towards Allah is to spend cattle in the way of Allah. This spending of cattle has been described in detail in the Islamic Shariah under the head of the Zakat of cattle.

The Islamic laws has not imposed the Zakat on each and every quantity and on every species of cattle. The Zakat is to be levied only on those cattle in whose respect their own conditions such the nisab and the completion of the year etc are fulfilled.

The first condition is that the number of cattle should be according to its particular. Islam has made the Zakat obligatory only on the wealthy persons who have a surplus which remains with them after their due requirements are satisfactorily fulfilled. Therefore one who possesses only one or two camels goats or cows is not indeed wealthy; they are for his personal use and not a surplus. There should be a minimum limit for one to be called wealthy. As for the minimum amount of camels, The Prophet (S.A.W.) has fixed it on five figure, that is the Zakat is not to be levied on the number less than five.¹

Similarly there is a consensus of opinion in the Muslim Ummah that the Zakat is not to be levied on goats less than 40. This Nisab has clearly been mentioned in the

1. Sahib al-Bukhari, Kitab al-Zakat, Vol. II, P. 277.

Ahadith and we may find its proof in the sunnah of the prophet (S.A.W.) also. This practice continued during the period of four pious caliphs.¹

Regarding the Nisab of cows there is a Hadith narrated on the authority of taus that the Prophet sent Muaz Bin Jabal to the Yaman and instructed him to collect a calf of one year if the cows of any one numbered 30, and a calf of two years if the cows were 40. Someone offered the Zakat on his cows which were less than 30, Muaz Bin Jabal did not accept it and said : 'I have heard nothing about this from the Prophet (S.A.W.)'. Muaz Bin Jabal was in the Yaman when the Prophet (S.A.W.) passed away'.²

This Hadith fixes the Nisab of cows.

The completion of one year :

The Zakat is not to be levied on the wealth on which a whole year has not passed³. The Arabs included their cattles in the wealth. As the completion of one year is necessary for the Zakat payment on other kinds of wealth, the same condition is to be met in respect of cattle also.

1. Sahih al-Bukhari, Kitab al-Zakat , Vol. II, P. 295.
2. Sahih al-Bukhari, Kitab al-Zakat. Cf Sahih Muslim, Kitab al-Zakat.
3. Sahih Bukhari, Kitab al-Zakat. Cf Kitab al-Amwal, Vol. II, Pl 159.

Saimah :

The cattles which are grazed in the public pastures are called Saimah. Contrary to this the cattles which are fed by their masters are called Ma'lufah. Only those Saimah cattle will be accounted for the Zakat which depend on the grass of public pasture in the most part of the year. The term Saimah will be applicable only to those cattles which are tended for obtaining milk and ghee and for causing their number grow.

If the Saimah cattles are used for riding, carrying material and eating meat, they will not be subjected to the, Zakat, because the real aim of the Zakat levy is benefit, not growth only. According to Islamic law the Zakat is to be levied on the 'Al-'Afw' Al-'Afw is that wealth which is invested and benefit is gained.¹ The Saimah cattle fall under the category of Al-'Afw. That is why the condition of grazing in respect of their Zakat is quite logical and reasonable. The Ma'lufah cattles require much more investment and expenditure. It is, therefore, not easy to pay the Zakat on them. The basis of this condition is a Hadith reported and quoted by Ahmad, Nasai, and Abu Da'ud. According to it the Prophet (S.A.W.) said : 'The Zakat is obligatory

1. Kitab al-Amwal, Vol. II, P. 127.

on the camels grazing in the forest. One she-camel of two years is to be levied as Zakat on every 40 camels.'¹

The condition of being Saimah is the proof that Matufah cattles have been spared. There is another Hadith reported by Bukhari in which the grazing has been declared as the essential condition for the Zakat payment on goats and sheep. The Hadith reads :

'If the goats and sheep are of Saimah category, one goat or sheep on every 40 goats or sheep will be the basis of its Zakat.'²

Not being 'Amilah :

The fourth condition set for the obligation of the Zakat on the cattle is that they are not of the 'Amilah' category. The Amilah are those cattle which are used in cultivation, irrigation or for riding. This category has been exempted from the Zakat. It is meant especially for camels, cows and oxen. Abu 'Ubaid is reported to have quoted the statement of 'Ali, the fourth caliph, in the following words :

'The cows which are used in domestic service are exempted from the Zakat.'³

1. Sahih al-Bukhari, Kitab al-Zakat. Vol. II, P. 310.

2. Sahih al-Bukhari, Kitab al-Zakat. Vol. II, P. 280.

3. Kitab al-Kharaj, P. 285.

Jabir Bin 'Abdullah, a companion of the Prophet, is reported to have given the ruling that the cattles used in cultivation are exempted from the Zakat.¹

Abu Daud has quoted Zubar, a great companion, saying that the Prophet said : 'The cattle in service are exempted from the Zakat'.²

Abu Ubaid narrated that Zuhri said that the Zakat was not to be levied on the Camels, cows and oxen used in cultivation and irrigation'.

The chart of the Nisab of Camels :

The complete chart of the Nisab of Camels is being given below :

Number of Camels	Compulsory <u>Zakat</u>
5 to 9	one goat
10 to 14	Two goats
15 to 19	Three goats
20 to 24	Four goats
25 to 35	one young camel of one year old
36 to 45	one young male of two years old
46 to 60	one camel of three years old
61 to 75	one four years old camel
76 to 90	Two young camels of two years age
91 to 120	Two camels of three years age.

1. Kitab al-Kharaj, P. 205.

2. Kitab al-Amwal, Vol. II, P. 125.

There is a consensus of opinion among the ulama over the above chart. No scholar is reported to have registered his opposition on any quantity given in the above chart.¹

The Nisab of Cows :

The Prophet (S.A.W.) instructed Muaz Bin Jabal, while deputing him to the Yaman that he should collect one calf of one year as the Zakat, if the cows numbered 30, and in case of 40 cows he should take a calf of two years.²

This Hadith fixes the Nisab of cows, but there is a difference of opinion over its authenticity. Tirmidhi, Ibn Hibban and Hakim declare this hadith as Sahih (authentic). According to Ibn 'Abdul Barr its chain of narrators (Sanad/ isnad) is sahih, (authentic) and directly linked with the Prophet. The same view has been expressed by Ibn Battal also. Ibn Hajar is of the opinion that its authenticity is doubtful because Masruq, one of the chief narrators of the Hadith, is not known to have met Muaz Bin Jabal. Imam Tirmidhi has put this Hadith under the category of Hasan (good) next only to Sahih.³

This Hadith of Muaz Bin Jabal is supported by another

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1. Sahih al-Bukhari, Kitab al-Zakat. Vol. II, P. 270.
 2. Kitab al-Amwal, Vol. II, P. 123.
 3. Ibn Hajar, Fath al-Bari, Vol. IV, P. 65.

command of the Prophet (S.A.W.) which he sent to one of his companions, 'Amr Bin Hazm in writing. The instruction reads :

'On every 30 cows one calf of one year and on every 40 cows one half of two years'.¹

These two Ahadith determine the Nisab of Cows etc. It is as follows :

<u>Number of cows, buffalows etc.</u>	<u>Zakat</u>
30	One calf of one year old.
40	One calf of two years old.
60	Two calves of two years age.
70	Two calves : one of 3 years and the other of 2 years.
80	Two calves of three years.
90	Three calves of three years.
100	Three calves : 2 of two years and one of three years.
Above hundred on every 10	One two years old calf.

It may be added here that the buffaloes are not referred to in our sources, for the species was not generally found in Arabia. The Ulama fixed the nisab of the buffaloes on the basis of the giuas , classifying them with the cows, as they are also included in the cattle.

1. Kitab al-Amwal, Vol. II, P. 123.

The Nisab of Goats and Sheep :

The Prophet (S.A.W.) is reported to have said : 'One goat on every 40 goats is the Zakat of goats and sheep but the condition is that the goats and sheep fall under the category of Saimah.¹

To have a clear view of the Nisab of goats and sheep the following chart is given :

<u>Number of goat Sheep</u>	<u>Zakat</u>
1 to 39	Nothing
40 to 120	one goat/sheep
121 to 200	Two goats/sheep
201 to 300	Three goats/sheep
Above 300 hundred on every 100	One goat/sheep

'Umar, the second caliph, is reported to have once instructed his collector of the Zakat to include the new born baby of goat in the counting, but asked him not to taken that baby in the Zakat.²

1. Kitab al-Amwal, Vol. II, PP. 127-128.

2. Sahih al-Bukhari, Kitab al-Zakat. Vol. II, P. 296.

P A R T - B

Distribution of the zakat funds : The Recipient Categories

The Quran declares :

'The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled and to free the captives and the debtors, and for the cause of Allah, and for the wayfarers, a duty imposed by Allah. Allah is knower, Wise.'¹

This verse is very categorical about the distribution of the zakat funds. There are eight categories upon whom the fund is to be spent. The first and second category is that of the (fuqara) the poor and needy (al-masakin). They have been placed on top of the list which indicates to the fact that the foremost objective of the zakat is to eradicate poverty from the Islamic society. This view is supported by a Hadith according to which the Prophet said to Muaz bin Jabal :

'Tell them that the zakat is obligatory on them. It will be realized from their rich and wealthy person and distributed among their the poor and needy persons.'²

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1. The Quran, surah, al-Taubah, V.60
 2. Sahih al-Bukhari, Kitab al-zakat, pp. 271-72.

Definition of the poor and the needy :

Who are the poor and the needy? Are they the same or is there any difference between them? Abu Yusuf of Hanafi school of Fiqh and Ibn Qasim of Maliki school of Fiqh are of the view that the two are the same, but majority of Islamic scholars differ with this view. According to them, the form two different categories. The Mufasssiruh (commentators of the Quran and the faqaha' (jurists) differ in determining the meaning of the poor and the needy. Ibn Jarir Tabari says that the poor is he who is in need but does not beg on account of his self-dignity while the needy is he who begs.¹

According to the general notion the poor is the one who earns his livelihood, but his earnings are insufficient to meet his requirements and needs, while the needy is he whose economic condition is worse than that of the poor,² he has nothing to fall back upon his sustenance.

3) The Zakat Officials :

As a principle, all authorized zakat officials (amilin alayha) i.e., all muslims who regularly serve as members of various zakat staff, are entitled to receive

1. Tabari, Tafsir al-Quran, v.XIV p. 308

2. Maududi, Syed Abul Ala, Tarjuman al-Quran. p. 551. Markazi Maktaba Islami, Delhi.

remuneration payable out of the Zakat funds. It is generally accepted that such persons comprise :

- a) The collectors : Whose duty is to collect the zakat dues and deposit it at the authorized zakat centres.
- b) The distributors : Whose duty is to distribute the Zakat funds.
- c) The Custodians : Whose duty is to keep the zakat funds under this custody and disburse them to the lawful beneficiaries. The custodians include the treasurers, the caretakers of the zakat granaries and store houses, as well as the care-takers of the cattle who depended on the zakat funds such as shepherds, herdsman, grazers etc
- d) The measurers : Whose duty is to measure, or weigh, the cereals and other kinds of agricultural produce collected as the zakat.
- e) The Scribes of Clerks : whose duty is to maintain the files and records of the zakat.
- f) The accountants : whose duty is to keep account of the zakat revenues and expenditures.
- g) The informers : whose duty is to find out those persons who deserve financial help and furnish detailed information about them to the zakat officials.

- h) The assemblers : whose duty is to assemble the zakat payers, or the beneficiaries of the zakat, when required.
- i) The Officers in Charge : whose duty is to direct and manage the various zakat centres, and who are directly responsible to the state and the public for the proper functioning of their respective centres. Although it is incumbent on the state to supervise the smooth functioning of the Institution of the Zakat, the regular state officials such as (Governors, judges, etc.), are not entitled to receive their salary from the Zakat funds, such persons are not actually engaged in regular services as members of the Zakat Staff.

It must be fully realized that the position of the Zakat officials is not that of ordinary functionary. The purpose to be served by the institution of the zakat is of such a far reaching consequences as to place the zakat officials among the highest ranking servants of the Muslim Ummah. The following Hadith shows that the Prophet himself laid emphasis on the exalted status of those who devote their services to the furtherance of the cause of the Zakat. It is related on the authority of Rafi bin Khadij that The Messenger of Allah said :

'In truth, the zakat official is like
unto him who fights in the way of Allah,
until He returns to his own place!'¹

The Prophet's comparison of the zakat officials with those who fight in the way of Allah confirms the view that they are to be entirely devoted and selfless agents of the Institution, agents who do not seek worldly pleasure, but Divine favour and Grace, as the reward of their efforts. To serve the cause of the zakat should never be considered as a lucrative career such a service is, in itself, a pious act and should be performed with religious spirit and in a manner befitting the nature of the task.

Moreover, in view of the pious nature of the services rendered by the Zakat officials, it should be universally accepted, and above all by the Zakat-officials themselves, that their maximum remuneration must not exceed the limit required for a decent and modest standard of life. The pious caliphs in the early days of Islam derived so much in salary as could be sufficient for them and their family members to maintain a modest living.² Indeed, it was in perfect harmony with the spirit and the letter of the

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1. Abu Yusuf, Kitab al-Kharaj, P. 294, Tr. M. Najat Siddiqi, Islami Publication Lahore.
 2. Abu Bakr's salary was 200 Dirhams per annum. (Saeed Akbarabadi, Siddiq Akbar, p.467 Nadwat al-Musaannafin)

Quranic words :

'...Whose (of the guardians of the orphans) is well to-do, let him abstain generally (from taking of the orphans' property), and who is poor, let him take there of what is lawful (i.e., a Living wage as remuneration for his guardianship).¹

Accordingly, it is also praiseworthy of the pious Muslims who are in a position to do so, to make voluntary offer of their services to the authorised zakat-centres, as honorary officials (without remuneration), for the sake of Allah and the Islamic state. But the Sunnah of the Prophet and the second caliph 'Umar b. al-Khattab tells us that the remuneration for collection of the zakat is related to the services rendered by the officials and functionaries without any consideration of their personal wealth. Once 'Umar was deputed as the zakat collector after his performance of the duty he was given the amalah (salary) for his services. The second caliph in his turn paid his collector his remuneration despite his wealth and reluctance as well his desire for service, as it was his due.²

1. The Quran, surah al-Nisah, v.6.

2. Zakat law and Ijtihad, P. 89-92.

4. Those whose Hearts are to be Reconciled (to Islam) :

Reconciliation means winning over the hearts. Those who are suspected to help the enemy against Islam but can be checked with fiscal help or those living in the enemy's camp who may help the Muslim cause on being offered some wealth, or those new-entrants in the fold of Islam who in view of their weakness are more vulnerable to disbelief, if they are not helped through riches and wealth, fall under this category (al-mu'allafat-iqulubihim). Such people may be helped temporarily not on permanent basis from the zakat funds. It was these new converts to the faith, designated in the Quran as 'Those whose hearts are reconciled', who were allotted a share of the zakat-funds as a measure of rehabilitation and as an assuagement for the losses and hardship suffered during the long struggle between pagan Qurayesh and Islam.¹

That the years of war were as painful for the enemies of Islam as for the Muslims of Madinah, is borne out by the Quran itself :

'Relent not in pursuit of the (enemy) people, if you are suffering, too they suffer even as you suffer,

1. M. Akhtar Saeed Siddiqi, Zakat Law and Ijtihad, p. 31-53.

and you hope from Allah that for which they (as disbelievers in Allah and His Divine Law) cannot hope. Allah is ever-knower, wise.¹

Thus it stands to reason that if the Quran included the new converts in the category of lawful beneficiaries of the Zakat, it was because, at the time, their impoverished condition justified such provision, and not at all as a reward for having embraced the Islamic faith. With the zakat assistance to rehabilitate them, no doubt a feeling might persist in the hearts of the people that their past acts might alienate them from the benefits of Islamic Law and the Islamic brotherhood. Nor could any fear exist in their minds that any rancour was held against them or that they were not securely rooted in the fold of Islam.

In view of the indisputable fact that no human being has the authority to abrogate any part of the Quran, the absolute validity of the injunction contained in verse 60, surah IX, must be maintained and carried out whenever identical circumstances arise, i.e., whenever the conquest of non-Muslim territory is followed by the mass conversion to Islam of the local inhabitants, and those are in need of rehabilitation.

1. The Quran, surah al-Nisa, V. 104.

'Perfected is the word of thy Lord in Truth
and justice there is none to alter His words.
He is the Hearer, the knower.¹

The very spirit of the law of the zakat requires that those whose hearts are reconciled receive such assistance from the zakat funds which enable them to begin a new life in the Islamic 'ummah in accordance with the standard of decency prescribed by the Quran.

5. To free the slaves and captives :

The original term used in the Quran is 'Fl al-Riqab'. The word Riqab is the plural form of 'Raqabah' which literally means neck and technically slave and captive. According to the Quran the zakat funds may be spent to free the slaves and captives. Two ways might be adopted in this respect :

i) To help Mukatab : The Mukatab is that slave who makes a pact with his master to get freedom on the payment of a fixed amount of money agreed up. Since the pact between the slave and the master is sometimes written down it is called Mukatabat (meaning written pact) and the slave involved is called Mukatab meaning one for whom the agreement has been

1. The Quran, surah al-Inam, V. 116.

written. The Mukatab obviously needs money to free himself from the slavery of his master, Allah allows to give that sum from the Zakat funds. He says in the Holy Quran :

'And bestow upon them (the slaves) the wealth of Allah which He has bestowed upon you.'¹

Inam Abu Hanifa, Imam Shafie, Imam Laith Bin Sad and several other jurists and 'Ulama favour the utilization of the zakat fund for the assistance of the Mukatabs.

ii) The Imam(Ruler) or the caliph of the Islamic state can use the zakat money in liberating the Muslim slaves and captives of war, as the case might be from the clutches of their masters and the captors. The Prophet is reported to have sent an huge amount of money to free the Muslim captives taken by the Makkans. Several Muslim slaves were also purchased and set free by Muslim. This masraf has always been active in all the Islamic regimes.²

6. The Debtors

The sixth category of the zakat recipients is Al-Gharimun. This word is the plural of Gharim. The term is used

1. The Quran, surah al-Nur, V. 33.

2. Sayyid Sulaiman Nadwi, Siratus-salawat, Azamgarh, 1973. V. Vth P. 177.

in the Islamic Shariah for the debtors.

In the Hanafi fiqh the Gharim is the one who is under the heavy burden of debt and does not possess the wealth more than the debt he has to pay off.¹

Ibn Jarir Tabri reports the ruling of Abu Jafar that the Gharim is he who in spite of not committing extravagance is bound to take loan, the Imam should pay his debt from the Bait-al-Mal (the state-treasury) out of the Zakat fund or any other category.²

Indeed the Quranic law forbids that a Muslim creditor should not ever claim the repayment of a debt so long such an action would imply distress or distitution for the debtor, or even result in undue embarrassment for him/her: And if the debtor is in a tight corner then (let there be) postponement to (the time of) ease, and that you remit the debt, as alms giving would be better for you if you did but know.³

Thus, in conformity with the above-quoted Quranic verse, if the value of the debt does not correspond to the creditor's wealth of which he/she is in urgent need, the creditor must

1. Raddul Makhtar v. 2. p. 63.

2. Tafsir Tabri V. 19 p. 338.

3. The Quran, surah al-Taubah, V. 280.

wait the debtors's time of convenience. This Quranic precept excludes the possibility of the Zakat funds being used inadvertently to pay off the debts owned by the persons of comfortable circumstances.

Before availing him/her self of the Zakat funds, the debtor must make every possible effort to pay it off by his own lawful means.

Any wealth legitimately owned by the debtor and which is by nature taxable for the zakat must first be disposed of to pay off the debt. If, however, the debtor does not own any taxable wealth, or if the value of his/her existing taxable wealth does not suffice to cover the debt, he/she must endeavour to raise the necessary funds through the disposal of whatever other wealth he/she may possess, that is surplus to his/her basic needs and must effectuate every possible economy in the course of his/her obligation.

Thereafter, if the best efforts of the debtor do not enable him/her repay the debt without suffering undue distress or distitution, the Zakat funds may be availed of to cover the debt either totally or partially according to the circumstances of various debtors.

7. For the cause of Allah

According to the clarification of the Holy Quran the seventh category of the Zakat spending (masraf) is Fi-sabilillah (for the cause of Allah). What does it mean and who are the persons who fall under this category? In Arabic the literal meaning of Fi Sabil-illah is in the way of Allah. On the basis of this meaning all the acts which are performed with pure intention of seeking pleasure of Allah may be included in this phrase. But the Holy Quran and the Ahadith used this word very often exclusively for the Holy war (Jihad). This word, therefore, became synonymous with the jihad.¹

The word 'Sabilillah' (the way of Allah) has occurred at more than 60 places in the Holy Quran. At all these places the word has been used either with the preposition of 'Fi' or 'un'. The use of 'un' has been made with the word 'Sadda' (meaning impediment). For examples :

'Lo they who disbelieve and hinder from the way of Allah they verily have wandered far astray.'²

And wherever it has come with the preposition 'Fi' the words 'Infag' (alms-giving or spending), Hijrah (migration), Jihad (Holy war), Qital (war) and Zarab (feating)

1. Abu Yusuf, Kitab al-Kharaj, p.294, Tr.M.Najat Siddiqui, CF Al-Bidayah wan-Nihayah, Vol.II, p.156.

2. The Quran, surah al-Nisa, V. 167.

have preceded, for example :

'Spend in the way of Allah',
And who migrated in the way of Allah,
And they did jihad in the way of Allah.

In these verses the meaning of Fi Sabilillah is for the sake of Allah, but the following of verse confines its meaning to the Holy war against the enemies of Allah and his Prophet :

'Make ready for them all you can of (armed) forces and of horses tethered that thereby you may dismay the enemy of Allah and your enemy, and others beside them who you know not. Allah knows the. Whatsoever you spend in the way of Allah it will be repaid to you in full and you will not be wronged.'¹

8. The way-farers

The Quran has mentioned this word at eight places. For example the most important and appropriate for our purpose is the following verse :

'Give the Kinsman his due, and the needy and the way-farers.'²

1. The Quran, Surah al-Anfal, V. 60.

2. The Quran, surah al Isra, V. 26.

The other places where the expression occurs are Surah Maryam: 28, Al-Baqrah, 315, Al-Nisa, 36, Al-Anfal, 41, Al-Hashr, 7, and Al-Taubah : 60.

A most interesting feature of the Quran is the emphasis that it lays on the value of travel both as an effective means of acquiring knowledge and of promoting, through personal and peaceful contact, the Islamic idea of human brotherhood - thus weaving in a most practical way the solidarity of the Muslim people - and contributing to world peace through personal relations with other peoples in a healthy and constructive atmosphere.

Thus, time and again, the Quran exhorts its followers to travel in the land(al-ard), not merely as an invitation but as a veritable command to all who would observe 'The way of Allah' and learn practical wisdom from the vast wealth of experience that travel alone offered.

As a necessary corollary to this command, and in order to encourage the Muslims to leave their families and homes and personally and practically get to know the world they live in, the Quranic Law makes special provision for the protection and welfare of the Muslim traveller.

On one hand, Muslims are exhorted to individually perform the meritorious deed of assisting the traveller :

'They ask thee (Muhammad) what they should spend (in charity). Say that which you spend for good (must go) to parents and near kindred and orphans and the distitute and the wayfarer, and whatever good you do, lo Allah is aware of it.¹

On the other hand, in recognition of the fact that travellers, be they rich or poor in their own homeland, are always at least potentially in need of some assistance verse 60 of the surah IX of the Quran concedes to travellers a definite right to share the benefits of the zakat whenever want and distress overtake them in their journey and wherever they find themselves cut off from their own means of subsistence. Accordingly, regardless of their position or wealth enjoyed at home, travellers who, through no fault of their own, come to grief while on a journey far from their homes (having lost their money, or having it stolen from them, or finding themselves in a helpless situation due, for instance, to the sudden outbreak of a war and the consequent interruption of communications) and are, for any reason, unable to secure their own means or a private loan which would allow them to tide over their difficulty, may lawfully claim the assistance they need from the local the zakat funds.

1. The Quran, surah al-Baqrah, V. 216.

In fact, the last two categories are very general and could include any person who might do any work, or admit any activity which might be performed for the sake of Allah. Therefore, the Ulama and jurists have included the students, researchers, Ulama, teachers, pilgrims and a host of others in these two categories, especially the seventh category.

The Quranic injunctions and the divine objective underlying them alongwith the Sunnah of the Holy Prophet and Khulafa of Islam establish beyond any doubt that all the eight masarif (modes of spending of the zakat and recipients) are valid at all times, neither is abrogated nor dropped at any period, only their interpretations were either changed or elaborated and modified. Therefore, the controversy raised from certain quarters about the validity of some of the categories is uncalled for. The zakat must be distributed and spent as it has been ordered by the Quran and the Sunnah of the Prophet.

Chapter - III

DEVELOPMENT OF THE ZAKAT SYSTEM DURING THE ORTHODOX

CALIPHATE

- (i) New Laws/Regulations (Ijtihad)
- (ii) Arabia proper and Provinces.

The institution of the Zakat, its collection and distribution under certain heads, which has been practiced and passed through the gradual stages of development, in fact got a formal shape in the Prophet's time,¹ and continued to operate after his death without any considerable change in the way it functioned. However, the brief period of the first caliph, Abu Bakr which witnessed the sending of several expeditions to different parts of Arabia to suppress the tribal revolt of apostates and claimants of new prophethood, is very important in the history of the Zakat laws. Although temporarily, it posed a great challenge against the existence of the institution of the Zakat. This challenge was not posed from the tribes of apostates or claimants to Prophethood, for they should have naturally withheld the payment of the Zakat to Madinah because of their apostasy and revolt. But the real challenge, in this tense period of turmoil, was posed by Banukkalb and Dhubyān (two important

1. For example, The Prophet used to send the Zakat collectors to collect the Zakat from all parts of Arabia. (Bukhari, Kitab al-Zakat), Cf. Abu Obaid, Kitab al-Khāraj, P. 341.

tribes living to the north of Madinah).¹ They neither joined the claimants nor did they appear to openly revolt against Islam, but in fact they refused to send their Zakat payments to Madinah² (perhaps in view of the uncertain condition of Muslims). Banu Sulaym (a tribe living to the east of Madina), Hawazin and Banu 'Amir (two tribes living to the south of Madinah) were also reluctant to pay the Zakat probably on the same grounds.³ However, it appears that these tribes did not totally refuse to pay the Zakat, for as it appears from al-Tabari that several Zakat collectors who were generally the members of the same tribes where they were deputed, had already collected the outstanding Zakat dues of the one year. Now the Zakat fund was with them.⁴ Probably the real issue was related to the dispute of whether or not the supremacy of Madinah be accepted, that is, whether the collection would be sent to the centre or at least, with regard to the expenditure of the fund, the instruction from the centre should be followed. According to this report, 'Umar b. al-Khattab once said with much regret that he wished he had asked the Prophet whether or

1. Tafsir Tabari, Vol. III, P. 243.

2. Ibid.

3. Tabari, Vol. III, P. 242.

4. Tabari, Vol. IV, P. 91.

not a war could be waged against those who refuse to pay the Zakat, arguing that they themselves would spend it on its definite heads. It is further mentioned in the same report that Umar, then stated that Abu Bakr's view in this regard was in favour war.¹ Any way, the above mentioned tribes either refused to pay the Zakat collectively or they refused to handover the fund to the Government of Madinah. Yet, in every respect it was really a challenge to the institution of the Zakat, through which a system of collection and distribution was organised under local and central control. It appears that the question of how the challenge should be dealt with, was in the beginning, a matter of dispute among the companions in Madinah, perhaps because the unprecedented situation actually posed a legal problem. The issue in fact was to determine whether or not a war can be waged against those who neither joined the claimants of prophethood nor openly declared themselves as apostates, but faithfully affirming their belief in all other Islamic doctrines, they however refused to pay the Zakat to Madhinah, or hand it over to the central collectors. The reports confirm that there was a difference of opinion on this legal issue. Iman Bukhari reports :

1. Sahih al-Bukhari, Kitab al-Zakat. V. II, P. 274.

'Umar asked Abu Bakr : ''How can you wage war against these people when the Prophet has said that he, who believes in Allah and in my Prophethood, should be spared his blood and property ? Abu Bakr said : ''I will wage war against those who separate prayer from Zakat and I will not condone them even if they exclude an animal which they used to pay to the Prophet''.¹

Undoubtedly it was due to Abu Bakr's ijtihad followed by his shift successful military action that the institution of the Zakat was saved during the period of great crisis after the Prophet's death. Afterwards Umar used to say that Allah had opened Abu Bakr's heart for war, and now I have found that his view was quite right''.²

Another practice (Sunnah) of Abu Bakr deserves a careful notice that he never charged the Zakat on properties landed or otherwise, before the expiry of one year of ownership.³

The Principle of Abu Bakr regarding a full year of ownership for the purpose of collecting obligatory

1. : Sahih. Bukhari, Kitab al-Zakat. Vol. II, p. 274.

2. Ibid.

3. Ibid.

Zakat illustrates his ijtihadic action in this regard. Actually this principle was deducted from the original practice of the Prophet's time, as the Zakat was levied by the Prophet on all types of property only annually.¹ Abu Bakr adopted this practice in a manner that exempted the owner from paying the Zakat for his new possession until the end of a full calender year on its ownership.

After Abu Bakr, Umar's ten years rule is very conspicuous for the new ijtihadat being exircised in relation to many legal inssued including the Zakat.laws. During this time the problem of including horses among the taxable livestock i.e. subject to the Zakat laws was an outstanding issue. According to Muatta 'Abu Ubaydah wrote to Umar in Madinah seeking his advice on this issue. Umar hesitated at first and on the basis of the Prophet's clear exemption rejected the idea of levying Zakat on horses. However, this argument did not satify the people's queries in this regard. Therefore Abu Ubaydah wrote again to Umar. After consultation with the other companions 'Umar eventually approved of the idea of levying the Zakat on horses.²

It also appears that a similar situation in the Yeman also contributed to the formulation of Umar's view

1. Sahih Bukhari, Kitab al-Zakat. Vol. II, P. 264.

2. Abu Ubaid, Kitab al-Amwal, Vol. II, P. 223.

in this regard. It is reported that 'Abd al-Rahman, a brother of Yala bin Umayyah, the Zakat collector of al-Janad¹ region also presented the same problem and after careful consideration it was decided that the Zakat should be imposed on horses. It appears that in the later period of Umar's Khilafat the practice of levying the Zakat on horses had become an established fact in several parts of Arabia, the Yaman as well as Syria. This assertion is supported by the different reports in this connection. Ibn Jurayj mentions a report that Saib b. Yazid, a Zakat collector, brought the Zakat of horses to Umar.²

The argument put forward by the companions who favoured the imposition of the Zakat on horses was that in the period of the Prophet horses were generally used for the Jihad and no Muslim section was involved in their trade on a large scale. Later a brisk trade was done in horses and they formed a very important kind of wealth like cattle. Hence the imposition of the Zakat on horses.

Apart from the levying of the Zakat on horses, another development of Umar's time was the inclusion of (lentils and peas) in the Zakatable categories of agricultural produce. Wheat, barley, dates and grapes or raisins were

1. Abu Yusuf, Kitab al-Kharaj, P. 266.

2. Zakat Law and Ijtihad, PP. 89-92.

practically the only Zakatable agricultural produce in the Prophet's time.¹ It is possible that lentils and peas were not generally produced on a big scale in that time and hence the question of the Zakat on them would not have arisen earlier. Probably this question arose in Umar's time and then, as it appears from a report of his grandson, Salim the Zakat was imposed on peas and lentils also.²

Therefore the inclusion of these vegetables in the Zakatable categories of agricultural produce should also be regarded as a new ijtihad of Umar's time. In addition to the mentioned vegetables, some reports confirm that in Umar's time the Zakat was also taken on olives.³ Likewise it was also levied in the same period on anbar, a sea product. Abu Yusuf mentions a report in his Kitab al-Kharaj that Yala b. Umayyah, a Zakat collector⁴ once wrote to Umar asking about the case of a man who had found a valuable amount of anbar on the sea shore, whether or not the Zakat should be levied on it. Umar, replied to him that it is a gift of God and all the things of this sort which are thrown away by the sea itself should be placed under the category of taxable items as Khums (20%).⁵

1. Abu Yusuf, Kitab al-Kharaj, P. 225.

2. Akhtar Saeed Siddiqi, Early Development of Zakat Law and Ijtihad, Islamic Research Academy, Karachi 1983, P. 89-92.

3. Ibn Abi Shayaba, Abu Bakr, al-Musannaf, Vol. IV, P. 20. Cf. Abu Ubaid, Kitab al-Amwal, Vol. II, P. 259.

4. Yala b. Umayyah was deputed as a Zakat-collector to some coastal area in that of Umar time Cf. Kitab al-Kharaj, P. 227.

Another ijtahadic development of this time could be traced in the case of the Zakat on honey. Some reports take the fixing of 10% Zakat on honey back to the Prophet's period. If these reports are assumed to be correct, then at least in this case it was a new development in Umar's time that a difference was made between the honey collected in mountains and that obtained from the plains.¹ A rate of 'ushr (10%) was fixed for the first mentioned, while the later was subject only to a rate of (5%)². Perhaps this difference was based on the principle of giving an advantage to the people for their labour in its acquisition of production they bore. The same has been considered by the Prophet himself in fixing different rates of the Zakat on various types of agricultural produce. Therefore, the produce of those lands irrigated by the natural resources was subject to the rate of 'Ushr (10%) while the produce of the lands which were irrigated by the artificial resources was subject to the rate of (5%) only called misf al-ushr (half of the ushr).³

Now the conclusion can be drawn from the above discourse that the method of application of the rule of a

1. Abu Yusuf, Kitab al-Kharaj, P. 233.

2. Abu Ubaid, Kitab al-Amwal, Vol. II, P. 256.

3. Abu Yusuf, Kitab al-Kharaj, P.229, Cf. Kitab al-Amwal Vol. II, P. 234.

particular legal case to a new development on the ground of some close similarity between the reason ('illah) of the two, was being adopted during this period, although on a very limited scale and very cautiously. This formative shape of this method, further developed and gradually refined ultimately developing into the form of analogy (qiyas), which was an important method of ijtihad generally prevalent after the middle of the 2nd century A.H. 8th century A.D.¹

Another innovation of Umar's time was the appointment of tax-collectors on various important trading routes to collect the prescribed rates. As they were instructed to collect the jizayh from the non-Muslims, they were similarly instructed to collect the Zakat from the Muslim traders.²

In the crisis year of drought³ the postponement of the Zakat collection for one year can also be regarded as an outcome of the same policy of Umar.

As far the distribution of the collected Zakat is

1. Zakat Law and Ijtihad, PP. 76-92.

2. Kitab al-Amwal, Vol. II, P. 177.

3. According to al-Tabari, it was 18 A.H. 638 A.D. Tabari, Vol. IV, P. 96.

4. Ibid.

concerned, it was done under central and local control under those definite heads which were specified by the Quran and prevalent in the Prophet's time. However, the exact and definite proportion of the Zakat funds to be sent to the centre and kept and distributed by the local people can not be traced out. Probably only the surplus amount of the collected Zakat, being beyond the local requirements, would have been sent to the centre. Some reports tell us that sometimes the Zakat-collectors returned to Madina emptyhanded, for they had spent all the their collections on local requirements. It is interesting to note that after the year of drought, when the collection of the Zakat was postponed for one year and was collected in the following year for the previous two years, Umar instructed the collectors that they should spend one year's Zakat on the local requirements and the rest be sent to the centre.¹

The development of the Zakat laws in Umar's time has been given above in detail. Let us come to the time of the third caliph, Uthaman. What was the actual development of the Zakat laws in his time ? Actually the Zakat law had already been evolved in a well-organised and elaborate shape in the period of Umar. The major part

1. Abu Ubaid, 'Kitab al-Amwal', Vol. II, PP. 378-79.

of the expansion of the law had already been completed. Furthermore, in comparison Umar's time could cause the need for some new or vital ijtihadi problems to be solved. Therefore it is quite possible that in Uthman's time no further important advance in ijtihad was made at all. However, the historical sources confirm that a significant feature of Uthman's time was the affluence of the Islamic society that had reached its climax.¹ Another feature of Uthman's time was the general complaint about unjust treatment by the Zakat collectors. The reports confirm that during his period people of some regions really had some complaints against the assessors or the regional Zakat executives. Abut 'Ubayd relates a report that a person once came to Abu Dharr. (d. 32 A.H.) in Mina, complaining against the injustices perpetrated by the Zakat assessors, and asked whether at the time of assessment he should keep aside a portion of his belongings, rather than allow them to assess his exact property. In response, Abu Dharr strictly forbade him to conceal anything which would amount to an evasion of the Zakat. However, he advised him to ask the assessors that at the time of assessment he should charge only what is due. If the assessor persisted even after this in his attitude,

1. Suyuti, Jalal al-Din, Tarikh al-Khulafa, Delhi, 1355 A.H. PP. 116-7. Cf. Kitab al-Amwal, Vol. II, PP. 341-50.

he would surely be recompensited with justice on the day of the final Judgement.¹

The authenticity of this report seems to be doubtful, or at least a possibility of exaggeration in it can not be ruled out, for it must be seen against the background of the political chass and the disputes that developed after the assissination of Uthman. However, bearing in mind the situation which had emerged during the last years of Uthman's lifetime, it is possible that a kind of distrust had also started to appear between the assessors and assessees.² In fact, this is not a new development in the field of the Zakat/Sadaqat realisation. Traces of the mistrust and conflict between the assessors/collectors and the assessees and payers are found in the period of the Prophet, for it was ingrained in the very nature of the relation of the two parties : the former always believed in the injustice and appression of the state official while the latter doubted the integrity of their people. The case of al-Walid b. Uqbah and several Ahadith of the Prophet urging the people in general and the tax-payers in particular to appease and satisfy the collectors

1. Abu Obaid, Kitab al-Amwal, Vol. II, PP. 341-42.

2. Siddiqui Muhammad Akhtar Saeed, Zakat Law and Ijtihad, Islamic Research Academy, Karachi, P. 105.

are a sure sign of this trend. Several examples of the kind could be traced from the periods of the Shaykhan.¹

After the assassination of Uthman, Ali became a caliph. As far as the study of the Zakat law and ijtihad is concerned, Ali was renowned juristic personality, who was one of the closest comrades of the Prophet and his son-in-law. He had already acquired an eminent position in the field of ijtihad and legislation during the time of Abu Bakr and 'Umar. However, it can be assumed that after becoming the caliph of Islam he probably could not find enough time to make much advancement in the domain of the zakat law and ijtihad. This was perhaps due to the continuous state of emergency and civil war which he had to face during all his five years of rule. In the realm of the zakat law, however, some of his ijtihadic efforts can be pointed out on the basis of primary sources.

First, in this regard Abu Hanifah reports in his Kitab al-Athar, a statement of Ali that reads :

'no zakat is obligatory on the camels which are kept as beasts of burden or as the animals employed in some work!'²

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1. Ibn Hisham, II, 296-7, al-Waqidi, 980-81, Ibn Sa'd, II 161, Usd al-Ghabah pp. 90-91. Cf. Bukhari, Muslim and other Hadith collections chapters on the people's dealings and relations with their musaddiqin (Collectors)
 2. Abu Hanifah, Kitab al-Athar, Tr. Abu Yusuf ~~al-Athar~~ (India) 1355 A.H., p. 87.

In the light of this report, it would seem that he exercised his *igtiḥād* in the zakaṭ-collection not only in his own time of caliphate when he was deputed to al-Yamen as the state officer. As for as its attribution to the Prophet is concerned, no positive evidence in this regard can be traced at least in the available sources of the second century A.H. However, the sources which were compiled in the beginning or middle of the third century A.H., contain some reports about the above exemption of the 'awamil and hawamil, as was the decision of the Prophet himself. Abu Ubayd mentions a report which though narrated through a chain of four transmitters, the last of whom is 'Amr b. Dinar stating that he had heard the report from the Prophet that he had exempted (the bull employed in Plough) from the Zakaṭ.¹

Similarly, Abu Daud, mentions a report through a chain of 'Nufayli - Zuhri - Abu Ishaq - Asim b. Damra and al-Harith, relating a statement of Ali (Nothing is obligatory on the working animals).² Any way the Prophet had already fixed a 10% and 5% Zakaṭ rate on the total production of agricultural produce at the time of harvest.³ As al-awamil and al-hawamil were only a part of the process of agricultural production in the period, the zakaṭ rate on the harvest

1. Abu Hanifah, Kitab al-Aṭhar, Tr. Abu Yusuf, Hyderabad (India) 1355 A.H., P. 87.
2. Kitab al-Kharaj tr. Siddiqui Muhammad Niḡat, p. 285.
3. Kitab al-Amwal, tr. Abdur Rahman Tahir Surati, V. II, p. 234.

would have been considered enough, and an additional Zakat rate on the above animals, perhaps was considered to be unjustified by the Zakat-payers. This argument was presented by al-Zuhri and in later time by al-Tanukhi.¹ It is possible that 'Ali himself might have based his own judgement on the same basis.

Another ijtihadic decision of 'Ali, in his caliphate was the exemption of horses once again from the Zakat, Horses,² though, were totally exempted from the Zakat in the Prophet's time but during 'Umar's time a specific zakat-rate was imposed on their as well, because of the new development in the changed conditions of Syria and the Yaman. This practice also continued in the time of Uthman, but it appears that Ali, perhaps, in his time had abandoned the above practice and he, once again exempted horses from the zakat. This can be discerned from the statement of Ali which is reported by al-Sanani :

'I have exempted horses from Zakat.³

The foregoing discussion deals with the development of the zakat system during the orthodox caliphate. The

1. Abu Daud, Sunan, V. II. p. 100.

2. Kitab al-Kharaj, p. 285.

3. al-Sanani, al-Musannaf, V. II, pp. 6 and 34.

first and the foremost feature of this development is the fact that it was entirely based on the teachings of the Holy Quran and the Sunnah of the Prophet Abu Bakr's insistence on the realisation of the zakat from all the Muslims including the mani'in (with holders) of the zakat and his decision to wage war against them was a new development which crystalised the principle that the refusal of performing either of the duties of Islam was tantamount of rebellion, and in the case of the zakat it established the rule that the Islamic State is empowered to realize it forcibly. Another point of interest is that it was the lone decision of the caliph and probably he went against the consensus of the companions in the beginning but later he could convince all of them to his point of view the crystallisation of the principle of one complete year of ownership was another development of this period. The most important development, however, was the unequivocal thrust on the authority of the state: the Islamic government or the caliph was under obligation to realise and spend the zakat funds, payers in their individual capacity were not allowed to do so on their own. The imposition of the zakat on horses and other items such as honey, lentils, peas, amber olives and other land products was not actually a new

development, in fact it was the expansion of the old prophetic principle, that all the kinds of land produce or merchandise should be subjected to the zakat laws. Since in his period the Islamic state expanded greatly new crops and commodities were added and consequently subjected to the zakat. However, the appointment of the zakat collectors on the commercial routes and the postponement of the zakat realisation in the time of final crisis or natural calamity were two quite radical steps taken in the light of the Sunnah of the Prophet. The developments of the caliphates of Uthman and Ali were in fact effected by the recurrence of the similar situations prevailing in the prophet, period. Actually, the principles and the laws of the zakat were completely formulated and crystalized in the period of the Prophet, their application to and care of new situations and circumstances was a hallmark of these developments.

Chapter - IV

DIFFERENT MODES OF COLLECTION AND DISTRIBUTION OF THE ZAKAT

COLLECTIVE OR INDIVIDUAL

'Take alms of their wealth, where with Thou mayst purify them and mayst make them grow, and pray for them. LO: Their prayers is an assuagement for them. Allah is Hearer, Knower.¹

In consonance with Quranic verses, and the prophet's instructions contained in reliable collections of Hadith the institution of zakat should be established in each Muslim society in an organized manner under the direct supervision of various Muslim Governments, or of a special International Muslim supervisory body appointed by the Muslim Governments.

1. The Quran Surah, al-Tawba, V. 103. - Tabri says that the verse was revealed in 9 A.H./630-31 A.D. Thus the Sadagah became obligatory in that year (Tabri, III, pp.123-124).

Ibn Kathir says in his Tafsir that Allah asks his Prophet to obtain surplus of the wealth possessed by the Muslim Ummah (community) so that they became pure holy and humble. This is another duty of the Muslims. Therefore, Abu Bakr the first caliph exacted the zakat from the holders of the zakat (Mani'in-i zakat) after the death of the Prophet. Not only that but he insisted on the payment of the young camel or even the rope used for tying the animals. It was in compliance with the Quranic injunctions: obtain zakat pray for those who have paid it out of their wealth. Cf. (Sahih al-Bukhari).

Ibn Kathir says in his tafsir that the Prophet used to pray for the well being of all those who brought their zakat to him. (Ibn Kathir, Tafsir Vol.II. P.

Another Quranic verse explains :

'These are mortals who preach to offer prayers and pay zakat if fortune and eminence become their destiny on his earth. Also, they order to hold fast that is good and stop the sinners from committing sin, and the ultimate decision of all this rests on the creator.¹

This means that the performance of an adherence to the Quranic injunctions and divine commands, position is enjoyed by the Muslims, a great part of especially the establishment of the institution of the zakat make the Muslim worthy of governance and rule.

Though the administrative officers called Wulat (Governors) were also intrusted to facilitate the realisation of the revenues from their areas, special officers were appointed for collecting taxes from the payers directly. while the Quran uses the word 'amil' for as musaddiq, Suat (sing, Sa i), jubat (sing Jabi), and special terms such as Sahib al-ushur and wutal ala al-jizyah suhib al-kharaj, apart from the Quranic term are also used for the collectors.²

1. The Quran, surah al-Hajj, V. 41.

2. Sahih al-Bukhari, Kitab-al-zakat, Vol.II.pp. 271-272.

from the sources it appears that the Tax-collecting apparatus was a two tier system: Central and local. All those who were appointed directly by the Prophet and sent from Medina to various tribes and regions to realise the revenues for the central exchequer are included in the category of central collectors. The difference between them and their local counterparts was quite marked: the central collectors did not penetrate to the actual tax-payers, instead they remained stationed at the head quarters of their territories or tribes and collected the amount of taxes from their local counterparts who, in their turn, realised them from their peoples. However local collectors sometimes brought the state revenues directly to the Prophet.¹

In the light of this two-tier system of the collection of the zakat, zakat-centres are to be established in all villages, towns and cities in all Muslim territories under the supervision of a central headquarters. Various zakat centres, from the headquarter to the branch centres, are to be placed in charge of authorized officials who are to be directly responsible to the state for the proper functioning of their respective centres. The number of the zakat staffs, including

1. M.Y.M. Siddiqui, Organisation of Government under the Prophet, Idarah-I-Adabiyat-i Delhi 1987, pp. 312-313.

the officials in charge, should preferably be chosen or appointed from among the local inhabitants, and must, in each and every case, be well known for their piety and integrity in their respective community. The realisation of the zakat dues is to be performed by the various branches within the area under their respective jurisdiction.¹

The Institution of the zakat can properly function only when people of integrity and good nature are appointed. It is the duty of the zakat payer to faithfully and willingly perform the sacred obligation in conformity with the injunction set forth in the following Quranic verses :

'Those who spend their wealth of the cause of Allah and afterward make not reproach and injury to follow that which they have spent: Their reward is with their lords and no fear reward is with their Lord, and no fear shall come upon them neither shall they grieve.

A kind word with forgiveness is better than alms giving followed by injury. Allah is Absolute, Clement. O you who believe! Render not your alms-giving vain through reproach and injury, like him who spends his wealth only to

1. Farishta. G. de Zayas, 'The Law and Philosophy of Zakat Al-Jadidah printing press Damascus, Vol.I, p. 311.

be seen of men and believes not in Allah and the last day. His Likeness is as the likeness of a rock where on is dust of earth, if a rainstorm smites it, it leaves it smooth and bare. They, have no control of aught of that which they have gained. Allah guide not the disbelieving folk.

And the likeness of those who spend their wealth in search of Allah's pleasure, and for the strengthening of their souls, is as the likeness of a garden on a high. When the rainstorm smites, it, it brings forth its fruits twofold and if the rainstorm smite it not, then the shower. Allah is sear of what you do.¹

Various hadith of the Prophet also prescribe the example of the integrity and courtesy courteous attitude for the zakat payer, and some of them are given below to substatiate the argument :

'The messenger of Allah said : when the zakat collector comes to you, let him part from you bring pleased with you (i.e., with the manner in which you discharge your sacred obligation of zakat.²

1. The Quran, al-Baqarah, V. 262-265.

2. Muslim, Kitab-al-zakat Vol. II. pp. 490-491.

'Certain people from among the Arabs came to the Messenger of Allah and said, verily when certain zakat collectors come to us, they oppress us Jarir bin Abd Allah said: Then the Messenger of Allah said: 'satisfy your zakat collectors (by paying your zakat dues occurately and graciously). Jarir said : I heard these words from the lips of the Messenger of Allah, no zakat collector has even taken leave of me without having been duly satisfied by me.¹

On the other hand utmost integrity and courtesy are required from the zakat officials in their dealings with the payers. The collectors also must behave in conformity with the Quranic injunctions.²

The following hadith further illustrates the Prophet's sunnah(practice) while receiving the zakat dues from his followers :

'When people used to bring the Prophet their zakat dues, he used to pray: O Allah, Bless those who follow the Example of so and so thus

1. Muslim, Kitab-al-zakat. Vol. II.P.

2. The Quran, Surely al-Tauba, V. 103.

Abu sufa brought him his zakat due, and he (the prophet) said : O Allah: Bless those who follow the example of Abi Aufa.¹

In the course of the realisation of zakat dues both the payers and the collectors are duty bound to fully respect and adhere to the taxable limits, rates, of payment, and general rules governing the zakat prescribed for various kinds of taxable wealth.

If a payer or a collector refuses to comply with this injunction he should, in the first place, be severely admonished by the senior officials and condemned by other pious members of the Muslim community. It is the duty of the zakat officials to kindly and honestly advise and assist the zakat payers in all matters relating to the technicalities of law and to the accurate payment of their zakat dues.

If a person openly refuses to perform the obligation of zakat, he must be severely admonished by the zakat officials, and if such admonishment prove of no avail, the defiant becomes liable to submit to the investigation of his/her wealth by a special officers and after proper investigation he shall be compelled to pay his zakat dues and, if the

1. Bukhari, Kitab-al-zakat, Vol. II p. 334.

case warranted he may be punished according to the divine law.

The Hadith quoted below has been reported by Imam Bukhari in support of the forcible levy of the zakat on the taxable wealth of defiant persons.

'Abu Bakr said: were they (the rebellions tribes) refuse me even a four month old kid, had they been want to pay it to the Messenger of Allah (as zakat), I would fight them because of their refusal (concerning these words of Abu Bakr, Umar said verily I declare that Allah hath Expanded the bosom of Abu Bakr to fight (for His couse) and I recognize that this (his stand) is the truth.¹

It should be mentioned that Abu Bakr's reference, according to this Hadith, to an (inaq), that is a four month old kid that has been weaned, means that the most trifle thing or part of the zakat must be readily paid, refusal or withholding of it would make him a rebel of the Islamic state and a criminal punishable by a court of justice.

1. Bukhari, Kitab-al-zakat, Vol. II. p. 309.

However the fundamental principles zakat do not allow such a practice. Abu Bakr's vehement declaration must rather be understood as a warning expressly used by him to emphasize his determination to take the zakat by force, if necessary, and not as implying any rule for the payment and levy of the zakat dues.

The responsibility that every sincere Muslim bears for the faithful discharge of this social duty is enshrined in the following Quranic verse :

'And strive for Allah with the endeavour which is His Right. He hath chosen you and hath not laid upon your father Abraham (is yours). He hath named Muslims of old time and in this (Scripture) that you may be witnesses against mankind. So established worship, pay the zakat, and hold fast to Allah. He is your protecting friend. A Blessed patron and a Blessed Helper⁽¹⁾.

As a rule the zakat funds derived from any given 'Locality' must primarily be distributed for the welfare of the local people.

1. The Quran, Surah al-Haji V. 78.

At the same time, as is implied in the verse 60 of the Surah al-Tawba of the Quran, under normal circumstances a reasonable portion of the Zakat funds must always be kept in reserve at each branch of zakat centre for the use of eventual beneficiaries to which ever class or group. The exact amount of the reserve zakat funds must naturally depend on the special circumstances prevailing in each individual 'Locality', it may be decided by the local zakat officials, whose responsibility is to apportion the zakat funds in such a manner as to satisfy each and or unnecessarily sent else where for in the case of an unforeseen emergency, such action would result either in the funds in question having to be sent to replace them, and thus would involve useless labour, expenses, and loss of valuable time.

The Prophet's prescription of model behaviour of the zakat treasurer in the following Hadith, requires faithful execution of orders relating to the discharge of his duty must stand as norm for all those who undertake the task of custodianship of the zakat funds :

'The Prophet who said : The trustworthy Muslim treasurer (is he) who (faithfully) executes the order he received (and he might have and every lawful claimant.

To ensure the objective and purpose of zakat, arrangement must be made to transfer the zakat amounts to deficiency areas i.e. areas where zakat revenue is insufficient to satisfy. The requirements of the local deserving persons or where the reserve funds are not enough for the eventual beneficiaries from other areas. But in no case all the surplus zakat funds should be kept at any one given branch said : gives what he is commanded (to give), disbursing with a joyful heart and perfect accuracy (what even he is ordered to pay out of the zakat funds to the lawful beneficiaries), and who gives (of the zakat funds) to whom even either one of the two parties responsible for the discharging of zakat may order him to give.¹

The spirit of the law of zakat, its aim and purpose, require that, once levied, zakat funds must be distributed within various zakat centres as soon as they are collected. In this connection, the lead is given by the Prophet himself :

'The Prophet prayed 'Asr' with us and then hurried (away) and entered the house and did not delay in coming out again. Where upon I or some one asked him (the reason for this). He replied: I had left in the house some (silver/gold) in goods belonging to the

1. Muslim, Kitab al-zakat, Vol. II, p. 272.

zakat funds and, as I leathed to keep them through out the night, I distributed them (to deserving persons).¹

Zakat being one of the six Quranic precepts on which the Islamic policy of free unobstructed and constant circulation of wealth is based. Therefore it is incumbent on all zakat officials to confrom to the Prophet's sunnah and maintain the highest standard of dynamism in the performance of their administrative duties.

The Zakat funds must actively be put to the prescribed uses for which they are intended, so that the standard of social well-being aimed at by Islam may be translated into a living reality.

In no case the zakat funds may be withheld by the zakat officials denying deserving persons. The behaviour of the zakat officials towards beneficiaries must always reflect the quality of divine mercy that Almighty Allah has prescribed for Himself.²

The Quranic verse quoted below forbids all the followers of Islam, and not only the zakat officials, to ever reject the just claims of the needy so long as the

1. Sahih Bukhari, Kitab al-zakat Vol. II.p.293.

2. The Quran, surah al-Inam, verse 12.

means of satisfying their are available.

'And verily that Lord will give unto thee
so that Thou will be content, : did he not find
thee an orphan and protect(thee) ?
Did He not find thee wounding and direct
(thee), Did He not find the destitute and
enrich (thee)? Therefore the orphan
oppress not, Therefore those who be scuh (thee)
for aid drive not away. Therefore of the bounty
of they Lord be thy discourse.¹

It is the bounden duty of the responsible zakat
officials to be, at all times, fully aware of the prevailing
conditions and to be constantly and thoroughly well informed
of both the number of the needy persons within the locality
under their jurisdiction and the class and group to which
they belong. This necessary information is to be supplied
to the branch zakat-centre of each locality by the officers
whose especial duty is to directly seekout all those persons
who are deserving recipients of the zakat assistance.

1. The Quran, Surah Al-zuha, V. 5-11.

INDIVIDUAL SPENDING OF THE ZAKAT

It is evident from both the Holy Quran and the Sunnah of the Prophet that the Islamic government should necessarily establish a permanent cell to handle and supervise the Zakat-affairs. The Prophet Muhammad (S.A.W.) had himself established Zakat-system in Madinah and used to send collectors of the Zakat to different parts of the Islamic state.¹ In the every province there had been set up bodies both at central and local level to collect and distribute the Zakat-wealth and property. The people engaged in the work of the zakat were paid their salary from the very Zakat funds. It was totally in consonance with Quranic injunction.² After the Prophet's death some Arab tribes refused to pay the Zakat to the state which they used to pay in the life-time of the prophet. Keeping the importance of the Zakat in view, the first Caliph Abu Bakr waged war against those who refused to pay the zakat,³ establishing the rule that the zakat collection is the responsibility of the Islamic state.

The Zakat is a kind of tax as well as a religious duty. It may be considered as income tax of today, as some

1. Abu Ubaid, Kitab al-Amwal, V. II. p. 341.

2. The Quran, Surah al-Taubah, V. 60.

3. Saeed Ahmad Akbarabadi, Siddiqui Akbar, Nadwat al-Musannafin, pp. 172-73.

scholars of modern times tend to suggest and believe.¹ In the first century of Islam the Zakat payment and distribution was not left to the individuals but the state was responsible for both its collection and distribution through its appointed workers. Those workers and collectors were also paid from the Zakat fund. Collectors and workers of the Zakat fall in the category of those among whom the Zakat fund is to be distributed. Moreover, common Muslims were exhorted to obey the collectors and pay them their Zakat without any excuse and pretension. If the collectors are tyrant and the zakat is not properly distributed, even then the Muslim were asked to continue to pay the zakat and try to reform the errant collectors. The Muslims can not be allowed to manage their Zakat-affairs on their own² as the subject did not belong to the individual behaviour or responsibility, it was, in fact, a communal matter that required the case of the whole of the Islamic Ummah of which the state was a practical expression.

There is a important Hadith narrated on the authority of Sa'd Bin Abi Waqqas that the Prophet said, 'pay Zakat to the collectors till they establish Salat.'³

1. Abu al-Kalam Azad, Taryuma al-Quran, Sahitya Academy, V. III. pp. 424-25.

2. Kitab al-Amwal V. II. p. 342.

3. Tarjuman al-Quran, V. III, pp. 425-26,

When the orthodox Caliphate ceased to exist and the Umayyads came to power and their collectors of the zakat were charged by a number of people of oppression and other methods of coercion, a question arose : why should the Umayyads be paid zakat when they acted in defiance of the Shariah ? All the Sahabah present in those days decided unanimously to pay the zakat to their Umayyad rulers. None of them was in favour of individual management of the Zakat. Some one asked Abdullah Bin Umar: Who should be paid Zakat? The answer was that it should be paid to the rulers. They said: 'They spend the Zakat fund on their clothes and perfumes'. Abdullah Bin Umar said', Even then pay to them, because the Zakat-system can not run smoothly without the government machinery.¹

From the Prophet's time till the Abbassid period the Zakat system was intact without any interruption. In the 13th century AD, when the Tatarids invaded the Islamic territories and caused total destruction of the Abbassid Caliphate a new situation arose demand of the reorganisation of a question what should be done now in regard the zakat system because the state was no longer Islamic. Scholars and Ulama pondered over this issue.² They ultimately

1. Kitab al-Amwal, V. II. P. 343.

2. Tarjuman al-Quran, V. III, pp. 427-28.

proposed that the Zakat money may be paid individually to the poor and needy persons, because the zakat funds can not be entrusted to non-Muslim rulers.¹ Majority of the Muslim Uluma and Fuqha (jurists) advised the Muslims to appoint a leader from among them to function as a tax-collector and organiser of their zakat-system.

Unfortunately this system did not function properly and came to an end. The Muslims on account of their political degeneration and social decay could not realise the importance of the collective system of Islamic life. They however reconciled to the idea that the zakat-payment was an individual responsibility like the Salah and it should be done for the benefit of some needy persons on their own. It was totally in contravention to the Quranic injunctions. Those who once entrusted their Zakat money to the Bait-al-Mal started spending it on their own, deviating intentionally from the Shriah ruling and they will have to give its account to Allah on the day of judgement.²

Sometimes it is pointed out that case of Indian Muslims is like that of their brethren living under non-Muslim ~~Tatals~~ ^{Rajats}. They have to manage individually their zakat-money, as there is no Islamic agency to collect and manage it. This excuse carries no weight either Islamically

1. Kitab al-Amwal, V. II, P. 343.

2. Tarjuman al-Quran, V. III, pp. 427-28.

or logically. Jumah prayer especially and the salah in general was not given up on the ground of an Islamic rule, then why the collective system of the Zakat-management was given up. Islam is a composite code of life. Negligence of one aspect disintegrates the total code. The zakat-payment in India is not being practised in accordance with the Islamic Shariah today. Therefore the Muslim social and collective life has also disintegrated. Sometimes the Muslim organizations do collect the Zakat, from the Muslim individuals and spend its fund on their welfare but this is not the way the Quran prescribed. It is not required that a new. The solution to this problem should be invented or a new substitute should be found, what is actually is required is the lost and forgotten collective method of the Zakat collective and spending practised in the early days of Islam.¹

1. Tarjuman al-Quran, V. III. pp. 428-29.

Chapter - VIMPACT OF THE ZAKAT ON THE SOCIETY

Social dimensions of the Zakat are very clear from the list of those whom the Zakat-money should be paid to.¹ The poor the needy and the destitute are helped with Zakat-money. This help benefits not only the individuals but also strengthens the whole society. Thus, the help of individuals results in the assistance of the society at large.

Yusuf al-Qarzavi a moder thinker and writer, has rightly put it in the following words.

'The Zakat is a part of social responsibility set by Islam. Islamic social responsibility is vaster and greater than the Zakat system. The zakat contains aspects of both social security and social insurance. The difference between their Insurance and the security is that the policy-bearer of a Insurance/pays/policy regularly a fixed premium to the Insurances company, while in the case of security the government takes responsibility to provide security to the people in the form of financial assistance

1. Yusuf al-Qarzani, Fiqh al-Zakat, tr. ShamspeerZada pp. 510-11.

from the public exchequer and the individuals are not bound to pay any fixed amount. Contrary to this the number of the zakat payers might vary each year, the one individual or a group of individuals might pay the zakat one year and the other year they may not be able to pay the Zakat on their wealth, rather they may fall in the category of the recipients of the Zakat. Thus, the zakat is a kind of social Insurance scheme on the one hand, and a social security bond on the other. It may be said that the Zakat is more akin to a social security bond rather than to social Insurance, because it does not pay any fixed amount to the individual like a fixed premium paid in the Insurance Scheme it pays to the needy person without demanding anything from him and keeping his needs in view.¹

The Zakat establishes a value-system of greater importance and also provides spiritual foundations. On these two things actually the entire edifice of the Islamic Society is based. It strengthens Islamic life and its social organization. The Zakat is apparently a financial affair, in effect it also relates to faith, worship, ethics, value politics and holy war, hence directly associated with the

1. Yusuf al-Qarzawi, Fiqh al-Zakat, pp. 510-11.

the remedy of the problems of both the individuals and the society.

To eradicate poverty is not the only objective of the Zakat distribution as a means the circulation of wealth on mass scale, but also ensures an expansion of the number of owners of wealth in an ascending order the Zakat indeed aims at turning the have-nots into the haves. In this way the number of the poor will decrease while the number of the wealthy will increase. Economically the major objective of Islam is to ensure that all the individuals are equitably benefited from the beneficial things the Creator of the Universe has created on the earth, they should not be concentrated only among the wealthy strata of the society. The Holy Quran says :

'He it is who created for you all that is in the earth'.¹

Thus Islam ensured an equitable and just distribution of wealth in the society and increases the number of its owners by creating a balance through its zakat-and-Fay-system and lessening the manmade financial and economic difference among the individuals. The Holy Quran, while describing the distribution of the Fay says very clearly.

'It is for Allah and His messenger and for the near of kin and the orphans and the needy

1. The Quran, Surah al-Baqrah, 29.

and the way-farer, that it becomes not a commodity between the rich among you.¹

As a matter of fact Islam recognizes this kind of difference in the field of earnings wealth and property, because the capability and energy of earning are necessarily different, but it does not mean that Islam allows a situation to prevail in which the wealthy become wealthier and the poor poorer and the haves living in the society with all good things at their disposal and the have-nots smarting under deprivation and poverty, not finding even their daily bread and butter. Actually Islam makes the distinction between the two sections of the society through its legal injunctions and pious incentives. The Zakat is the most pragmatic and straight forward means to achieve this noble goal.

Not only this, Islam also creates hatred and abhorrence in the hearts of its adherents against begging, instead it guides them so as to boost up their morale by creating in them the quality of self reliance and self dignity. The Prophet Muhammad (S.A.W.) always included this condition in the statement of oath of allegiance (Baiah).

1. The Quran, Surah al-Hashr, V. 7.

One Auf Bin Malik narrated that we took oath of allegiance on the hands of the Prophet (S,A.W.) which included among other things that we shall not beg any thing from others.¹

The Prophet (S,A.W.) taught his companions that the work is the real basis of earnings, therefore it was incumbent on all the Muslim to make efforts to find out the bounty of Allah, as the work is far better than the begging. He is reported to have uttered.

'It is better for anyone of you to go out with to stretch hands before the people to beg Allah protects his dignity in case he works and he is dishonoured when he begs.'²

Thus, the Prophet not only fo bade begging in the Islamic society but also close the door of living on charity and doing nothing.

On the authority of Anas there a tradition is reported that once a man from the Ansar came to the Prophet of Allah and begged something to meet his needs. The Prophet asked whether he had anything at his disposal. He

1. Sahih al-Bukhari Kitab al-Zakat, V. II. P. 301.

2. Sahih al-Bukhari, Kitab al-Zakat V. II. p. 319.

answered that he had a long sheet of cloth for the purpose of wearing and using as bed and a bowl for water. The Prophet asked him to bring the two. When the bowl and the sheet were brought the Prophet (S.A.W.) asked : who comes forward to buy them? Someone said that he was ready to buy them one Dirham. The Prophet (S.A.W.) asked if there was anyone to pay more than one Dirham? One Sahabi said that he was ready to pay two Dirhams for them. The Prophet sold them to the person for two Dirhams, and giving the amount to the Ansari asked him to buy meals for his wife and children in one Dirham and buy one are with the other Dirham. He did the same. The Prophet fixed a wooden handle in the and asked him to proceed to the jungle and cut wood and sell it and asked him not to come before fifteen days passed. He engaged himself in cutting and selling woods. He came to the Prophet after fifteen days with ten Dirhams in his hands. He had spent much more on the purchase of meals and clothes. The Prophet (S.A.W.) said that it was better than begging which would cause spots on his face on the day of judgement. He also added that begging was allowed only for three persons.

(i) One who suffers from acute poverty (ii) one who is under heavy burden of debt and (iii) one who is to pay unbearable blood-money/ransom.¹

The above-mentioned Ansari was goaded to work for his livelihood. The Prophet, therefore, neither advised him to take the Zakat nor helped him temporarily through any other financial means, and nor got satisfied with mere sermon, instead tried to solve his problem practically. What a better way to solve the problem. This tradition gives us a lesson that we should try to provide employment opportunities to the unemployed persons before we resort to give sermon or rebuke them for begging.

Islam wants to see every individual satisfied with his earnings and entirely secured against any kind of fear, so that he may be able to observe his ritual obligations with full attention and sense of satisfaction. That is why we see that the Islamic Shariah takes the responsibility of providing bread and butter to every individual who lives under its government, irrespective of his creed. Sometimes the well-to-do families also suffer financial hardship due to an incident or emergency. In order to help the affected families or individuals the western countries have devised

1. Abu Daud Sunan V. II. p. 101.

the system of Insurance schemes. They are of several types. Islam had devised of helping and providing security to the affected individuals in a very pragmatic way centuries ago. In it the Bait al-mal (Public-exchequer) serves as the biggest Insurance company. Any person who was financially weak was eligible to apply for help to the government Islamic. The Islamic state does not leave the affected individuals on the mercy of the individuals and the society but takes upon itself to provide financial assistance through the system of the zakat.

The problem of poverty has always afflicted the human society from time immemorial. It is also true that the human society has never been deprived from the noble souls who not only had sympathy for the poor and the destitute but also tried to alleviate their miseries. Even then the condition of the poor as a whole remained unchanged. The wealthy grew wealthier and the poor poorer. Efforts were made to bridge this gap. Different religious and temporal systems came up to solve this problem, but all failed, because they could not devise any permanent system. On the other hand Islam not only dislikes such a wide economic gap among the individuals of Muslim Community that some may live an affluent life and the others may hardly manage their

bread and butter but also ensures a minimum sustenance for all. Islam wants the wealth to be circulated and not to be centralized in some hands. The moment the wealth is accumulated Islam exhorts its followers to pay the Zakat and to spend it on the poor and the needy. Circulation of wealth is the real guarantee of the economic welfare of the human society.

Generally social advantages of an economic system are not so attractive as the individual benefits. The individual thinks only of his personal fiscal benefits or his own economic progress. But the Islamic society which practices the Zakat is the real human society. Maulana Manduḍī says :

'This is a kind of co-operative society of the Muslims. This is an Insurance company. This is their provident fund. This is the capital to assist their unemployed persons. This is the source of earning to their destitutes, paralyzed persons, sick, widow and orphans. And this is the thing which frees the Muslims from the tomorrow's grief. Its simple principle is do help others if you are well-to-do, the others will help you in the days of your need. None should be bothered to think what will happen to him if he turns poor? what will his children eat if he dies? What will be done if he falls ill catches his house fire,

flood devastates his property and he becomes bankrupt, how will he pass his days if he is penniless in the journey? Zakat frees you of all these sorrow. The only thing you have to do is to effect your Insurance in the Insurance company of Allah through the annual premium of 2-1/2% of your saved wealth. This wealth is exclusively for those who are in need, but you may get tomorrow more than your premium-policy if you or your descendents are in need.¹

In the modern world two economic systems i.e. capitalism and communism are very popular. As for the capitalism Maulana Maududi has commented very aptly while making a comparative study of the zakat system and capitalism :

'Here again capitalism and Islamic principles contradict each other. Capitalism maintains that the money should be saved and impose usury and interest to increase the deposit so that though these gutters the money of others living around flow to the basic pond. Islam exhorts to do against this attitude. First it discourages the accumulation of wealth, and if the accumulation is effected in a legal way it orders to dig out the cannals of Zakat from

1. Maududi, Syed Abu Al, Islam and Modern economic Systems, pp. 104-108.

this pond of wealth so that the dried fields are irrigated and the other fields around it are also benefited. In order to take the water from the pond of capitalism there is a condition that you have contributed to the water of pond and without fulfilling this condition you are not entitled even to sip a drop of water. Contrary to this in Islam there is a rule that those having surplus water should pour it to the pond of Islamic Economics and all those are entitled to take water who are in need. Thus the two systems are opposed to each other from every aspect.¹

So far as Socialism is concerned, there is also a very clear and marked difference between Islam and socialism. Socialism puts the seed of hatred in the individuals against the capitalists and the wealthy persons. The wealthy persons are mercilessly dragged out from their dignified positions and are deprived of all their belongings and compelled to stand in the rank of other ordinary fellows. In Islam a fixed amount of money is taken from the wealthy persons, but it increases love and sympathy instead of hatred. In the socialism the people are given job according to their capability but the payment is made to them according to

1. Maududi, Syed Abu Ala, Islam and Modern economic systems, pp.104-108.

their daily needs. It is a well known fact that in the absence of reasonable emoluments according to the ability diminishes the enthusiasm of work, deprives the man of his self confidence, motivation for work, energy of evolution and the spirit of competition. The man of socialistic society is like a moving deaf and dumb part of a machine. He possesses neither a heart, non conscience, nor satisfaction and contentment. Islam advocates the individual ownership of property but levies zakat tax on it. Islamic point of view is entirely humanistic.

Once Abul Kalam Azad wrote :

If the Muslims do nothing but only correct their zakat system in the light of Islamic precepts and teachings it may be claimed unhesitatingly that all their social problems would automatically be solved.¹

1. Azad, Abul Kalam, Tarjuman al-Quran. Vol. III
PP. 426-27.

CONCLUSION

Previous chapters as we have seen, the Zakat payment is obligatory on wealthy Muslims. The zakat system is an unparalleled modern system in human history. Such a pure humanistic system was presented neither by any religion, nor by any human organization before Islam. It is not only a fiscal and economic system but also has social, political, moral and religious comotations.

It is a financial and economic system, for it may be regarded as a kind of wealth-tax levied on the surplus wealth of the affluent classes of the society and distributed among its poorer. Sections It is also a permanent source of income for the Bait-al-Mal, which is exclusively meant for public welfare. It also prevents the concentration of the wealth in few hands, bring it in circulation on a constantly wider scale.

It is a social system in terms as it ensures a regular source for the sustenance of the poor, the destitute and the needy. It creates a sense of unity of mankind and belongingness and fraternity in the hearts of individuals, on the basis of which the wealthy help the poor. Thus the gap between the haves and the have-nots is bridged, or at least narrowed down.

Zakat-collection and distribution is managed by the Islamic government. It appoints honest collectors and other officials to look after the Zakat-affairs. Besides, the zakat is also spent in defence of the Islamic society against its enemies. Furthermore, it may be used as a means to win over the sympathy of those persons who may be any benefit for the Islamic state. These aspects of the zakat prove that it has some political overtones also.

The main objective of the zakat-payment is to purify the souls of the wealthy and to remove the vices of vanity and miserliness from their hearts, to extinguish the fire of envy in the hearts of the poor and the need against their wealthy brethren, and to create an atmosphere of brotherliness and love among all the individuals of the Islamic society. This is the Zakat's ethical aspect.

Of course the Zakat is a pure religious act. It is a highly exalted way of attaining spirituality. It is a way of worship of Allah declared by Islam as next to the Salat only. It makes the relation between man and man deeper friendlier and broader. This deep and sincere relation between human individuals leads and strengthens their relation between them and Allah, their Creator.

Thus, the zakat in Islam touches several aspects of human life. Keeping its multi-phased effects in consideration we come to the conclusion that the zakat is rightly made obligatory on the wealthy Muslims.

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